

tee on Appropriations and ordered to be printed.

1437. A communication from the President of the United States, transmitting a supplemental estimate of appropriation in the amount of \$64,214, for the fiscal year ending June 30, 1942, for the War Department for the maintenance and operation of the United States Soldiers' Home (H. Doc. No. 638); to the Committee on Appropriations and ordered to be printed.

1438. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of the Interior for the fiscal year, 1943, amounting to \$155,525, in the form of amendments to the Budget for said fiscal year (H. Doc. No. 639); to the Committee on Appropriations and ordered to be printed.

1439. A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, dated February 20, 1942, forwarding statements of the cost of manufacture at the armory and arsenals named therein, for the fiscal year ended June 30, 1941; to the Committee on Expenditures in the Executive Departments.

1440. A letter from the Secretary of the Interior, transmitting a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from public or tribal funds were made during the fiscal year ended June 30, 1941; to the Committee on Indian Affairs.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XXII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 726. A bill for the relief of Anna Malama Mark; with amendment (Rept. No. 1825). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 1826. A bill for the relief of Mary Alexina McKinnon; with amendment (Rept. No. 1826). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COSTELLO:

H. R. 6668. A bill to establish as a part of the Reserve component of the Regular Army a Home Defense Organized Reserve for local home defense; to the Committee on Military Affairs.

By Mr. KEOGH:

H. R. 6669. A bill to prohibit the registration of trade-marks containing the words "White House"; to the Committee on Patents.

By Mr. KING:

H. R. 6670. A bill to provide for an irrigation and water-utilization project on the island of Molokai, T. H.; to the Committee on Irrigation and Reclamation.

By Mr. ROBINSON of Utah:

H. R. 6671. A bill to authorize the Secretary of the Interior to acquire lands or interest in lands for the Geological Survey; to the Committee on the Public Lands.

By Mr. COLLINS:

H. R. 6672. A bill providing the cost of laundry and cleaning to soldiers, sailors, and marines in the armed forces; to the Committee on Military Affairs.

By Mr. HARRIS of Virginia:

H. R. 6673. A bill to permit the payment of compensation for overtime of certain immigration inspectors required to work overtime in the performance of duties under the Alien Registration Act; to the Committee on Immigration and Naturalization.

By Mr. COFFEE of Washington:

H. Res. 446. Resolution requesting certain information from the Secretary of State; to the Committee on Foreign Affairs.

By Mr. VINSON of Georgia:

H. Res. 447. Resolution for consideration of S. 2249, a bill authorizing appropriations for the United States Navy, additional ordnance manufacturing and production facilities, and for other purposes; to the Committee on Rules.

By Mr. STEFAN:

H. Res. 448. Resolution authorizing the printing of the proceedings in the House of Representatives on December 19, 1941, commemorating the service of William Tyler Page; to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COFFEE of Washington:

H. R. 6674. A bill for the relief of Jennie Walker; to the Committee on Claims.

By Mr. JENKINS of Ohio:

H. R. 6675. A bill for the relief of Renzie Graham; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 6676. A bill for the relief of F. A. Holmes, former United States disbursing clerk for the State of Illinois; to the Committee on Claims.

By Mr. TINKHAM:

H. R. 6677. A bill for the relief of Ronald Leroy Chen; to the Committee on Immigration and Naturalization.

By Mr. WHELCHER:

H. R. 6678. A bill for the relief of Mrs. Claud Tuck; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2487. By Mr. GRAHAM: Petition of the Women's Missionary Society of the Highland United Presbyterian Church of New Castle, Lawrence County, Pa., protesting against not only the sale of beer in our Army camps, but the sale of hard liquors, and the establishing of houses of prostitution and ill fame in and about the vicinity of all Army camps of our Nation; to the Committee on Military Affairs.

2488. By Mr. KEOGH: Petition of the State of New York joint legislative committee on interstate cooperation, Assembly Chamber, Albany, N. Y., favoring the passage of House bill 6020; to the Committee on the Merchant Marine and Fisheries.

2489. By Mr. KRAMER: Petition of the Board of Supervisors of the County of Los Angeles, Calif., recommending the proposed extension of social-security taxation to cover those not now included by the Social Security Act; to the Committee on Ways and Means.

2490. By Mr. MERRITT: Resolution of the American Bureau of Chiropractic, Inc., Auxiliary No. 17, urging that the President of the United States take cognizance of the situation and take appropriate steps for the permanent creation of a place in the Health Service for chiropractic, either as a part of the present set-up of the Medical Corps or that a separate and distinct chiropractic corps be created to be confined strictly to the administration of chiropractic to soldiers who are in need of that particular type of health service; to the Committee on Military Affairs.

2491. By Mr. ROLPH: Resolution of the State of California Assembly, Joint Resolution No. 22, relative to memorializing the Federal Government to protect the acquired retirement rights of State employees brought into the Federal service by reason of the transfer to the Federal Government of the employment functions of the department of employment; to the Committee on Ways and Means.

## SENATE

THURSDAY, FEBRUARY 26, 1942

(Legislative day of Friday, February 13, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Reverend Charles W. F. Smith, canon, Washington Cathedral, Washington, D. C., offered the following prayer:

Almighty God, who dost measure the waters in the hollow of Thy hand, who weighest the mountains in a balance, and to whom the nations are as the drop of a bucket: Thou rememberest our frame; Thou knowest that we are but dust. Have mercy upon us, for Thou art our Father. Before Thee we stand as children seeking Thy guidance, Thy provision, Thy love. In our darkness, light Thou our way. In our confusion, clear Thou our path. In our fear, take our hands in Thine. Send Thy gracious Spirit into our midst that we may be calm before every phantom of terror and bold to dispel every threat of force. Do Thou go with us and show us the way we should walk in, for Thou art our God for ever and ever; Thou shalt be our guide unto death. Amen.

#### THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, February 25, 1942, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5945) granting the consent of Congress to a compact entered into by the States of Colorado, Kansas, and Nebraska with respect to the use of the waters of the Republican River Basin; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WHITE, Mr. ROBINSON of Utah, Mr. MURDOCK, Mr. SHORT, and Mr. WINTER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 6531) to suspend the effectiveness during the existing national emergency of tariff duties on scrap iron, scrap steel, and non-ferrous-metal scrap, in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5880) to abolish certain fees charged by clerks of the district courts; and to exempt defendants in condemnation proceedings from the payment of filing fees in certain instances, and it was signed by the Vice President.

## CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	O'Mahoney
Austin	Gillette	Overton
Bailey	Glass	Radcliffe
Ball	Green	Reed
Bankhead	Guffey	Reynolds
Barbour	Gurney	Rosier
Barkley	Hayden	Russell
Bilbo	Herring	Schwartz
Bone	Hill	Shipstead
Brewster	Holman	Smathers
Brown	Hughes	Stewart
Bulow	Johnson, Calif.	Taft
Bunker	Johnson, Colo.	Thomas, Idaho
Burton	Kilgore	Thomas, Okla.
Byrd	La Follette	Thomas, Utah
Capper	Langer	Tobey
Caraway	McCarran	Truman
Chavez	McKellar	Tunnell
Clark, Idaho	McNary	Tydings
Clark, Mo.	Maloney	Van Nuys
Connally	Maybank	Walsh
Danaher	Millikin	Wheeler
Davis	Murray	White
Downey	Norris	Wiley
Doxey	Nye	
Ellender	O'Daniel	

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH], the Senator from Utah [Mr. MURDOCK], and the Senator from South Carolina [Mr. SMITH] are absent from the Senate because of illness.

The Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senator from Kentucky [Mr. CHANDLER], the Senator from Georgia [Mr. GEORGE], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Arizona [Mr. McFARLAND], the Senators from New York [Mr. MEAD and Mr. WAGNER], the Senator from Arkansas [Mr. SPENCER], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

Mr. AUSTIN. The Senator from New Hampshire [Mr. BRIDGES] is absent as a result of injury and illness.

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from Massachusetts [Mr. LODGE], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The Senator from Michigan [Mr. VANDENBERG] is absent on official business.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

## PETITIONS

Petitions, etc., were presented, and referred as indicated:

By Mr. GREEN:

A joint resolution of the Legislature of Rhode Island; to the Committee on Finance:

"House Joint Resolution 685

"Joint resolution requesting the Senators from Rhode Island in the Congress of the United States to use their best efforts to have passed H. R. No. 4, being an act, entitled 'An act to provide more adequate compensation for certain dependents of World War veterans'

"Whereas there is now pending in the Congress of the United States of America, an extremely important bill, known as H. R. 4,

being an act, entitled 'An act to provide more adequate compensation for certain dependents of World War veterans,' which act has already passed the lower body of Congress and is now in the Senate Finance Committee: Now, therefore, be it

"Resolved, That the Senators from Rhode Island in the Congress of the United States be, and they hereby are, respectfully requested to use their best efforts to have enacted into law H. R. No. 4, being the act, entitled 'An act to provide more adequate compensation for certain dependents of World War veterans'; and be it further

"Resolved, That the secretary of state is hereby authorized to transmit duly certified copies of this resolution to the Senators from Rhode Island in the Congress of the United States of America."

By Mr. CAPPER:

A resolution adopted by the stockholders of the Decatur County National Farm Loan Association, of Oberlin, Kans., favoring the enactment of legislation to continue the 3½ percent interest rate on Federal land bank and Land Bank Commissioner loans for a period of 5 years; to the Committee on Banking and Currency.

## PROHIBITION OF THE MANUFACTURE AND SALE OF ALCOHOLIC BEVERAGES IN WAR EMERGENCY

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution recently adopted by the official board of the Woodbine Methodist Church, Woodbine, Kans., urging that the grains now used in the manufacture of alcoholic beverages be diverted to purposes which will better serve the needs of the present war emergency. I believe this to be a suggestion worthy of the most serious consideration.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

## A PETITION TO OUR CONGRESSMEN

So many factories and business firms, both large and small, have been compelled to discontinue the manufacture of their usual products and turn aside to the production of arms, guns, tanks, planes, and other necessities of war that it has brought a real hardship upon most of our people by denying them many of the very necessities of life and business.

Yet there has been very little curtailment in the brewing and distilling of intoxicating alcoholic beverages. The manufacture of these various liquors require millions of bushels of food grains and sugar sorely needed for food for our livestock and our people and our Allies.

We, therefore, the official board of the Woodbine Methodist Church representing about 300 members and constituents assembled in regular session on January 26, 1942, go on record as being greatly opposed to a continuance of such conditions and we sincerely petition, you our Representatives in the National Legislature, and our President, Franklin D. Roosevelt, to use your influence and vote to bring about the absolute prohibition of the manufacture, transportation, and sale of all hard liquors and malt beverages for beverage purposes throughout the duration of this war. We further desire that you cause a copy of these resolutions to be printed in the CONGRESSIONAL RECORD.

Respectfully submitted.

CHAS. L. RUHLEN,  
President.  
LOUIS C. WESTRUP,  
Secretary.

Mr. REED. Mr. President, I ask leave to have printed in the RECORD and appropriately referred a petition or resolution regarding the manufacture, sale, and transportation of hard liquors and malt beverages throughout the duration of the war. This resolution was adopted by the official board of the Woodbine Methodist Church, of Woodbine, Kans., and was signed by Charles L. Ruhlen, president, and Louis C. Westrup, secretary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD. [For text of resolution referred to, see the foregoing identical resolution presented by Mr. CAPPER.]

## RESOLUTION OF HAWKINSVILLE (GA.) ROTARY CLUB—LABOR LEGISLATION

Mr. RUSSELL presented a telegram from the Hawkinsville (Ga.) Rotary Club embodying a resolution which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

HAWKINSVILLE, GA., February 26, 1942.

RICHARD B. RUSSELL,  
United States Senator,  
Washington, D. C.:

The Hawkinsville Rotary Club unanimously passed today the following resolution:

"Resolved, That the Congress pass legislation removing the restrictions from the labor laws so that laborers may work any necessary number of hours during the present emergency.

"Resolved further, That the Congress pass without delay legislation prohibiting strikes during the present emergency and affixing drastic penalties for its violation.

"Resolved, That a copy of this resolution be sent to the Senators from this State and the Congressman from this district."

HAWKINSVILLE ROTARY CLUB.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

H. R. 6328. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; without amendment (Rept. No. 1141).

By Mr. TUNNELL, from the Committee on Claims:

S. 221. A bill for the relief of the Beacon Oyster Co.; with amendments (Rept. No. 1142).

By Mr. CAPPER, from the Committee on Claims:

H. R. 1535. A bill for the relief of the estate of John J. Murray; without amendment (Rept. No. 1143).

H. R. 2120. A bill for the relief of John H. Durnil; without amendment (Rept. No. 1144).

H. R. 2430. A bill for the relief of John Huff; without amendment (Rept. No. 1145).

H. R. 4896. A bill for the relief of David B. Byrne; without amendment (Rept. No. 1146); and

H. R. 5478. A bill for the relief of Nell Mahoney; without amendment (Rept. No. 1147).

By Mr. O'MAHONEY, from the Committee on Public Lands and Surveys:

H. R. 2320. A bill to accept the cession by the States of North Carolina and Tennessee of exclusive jurisdiction over the lands embraced within the Great Smoky Mountains



National Park, and for other purposes; with an amendment (Rept. No. 1148).

**PRODUCTION OF INDUSTRIAL AND SYNTHETIC ALCOHOL AND SYNTHETIC RUBBER—REPORT OF A COMMITTEE**

Mr. TYDINGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, in the absence of the Senator from Illinois [Mr. Lucas] and at his request, I report back favorable, with an additional amendment, Senate Resolution 224, which was submitted by the Senator from Iowa [Mr. Gillette] February 17, 1942, and which provides for a special Senate committee to inquire into the rubber and kindred situations. As soon as it is appropriate to do so I shall ask for the consideration of the resolution.

**BILLS INTRODUCED**

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

S. 2316. A bill to provide for the placing in Gallinger Hospital of a memorial to George Earle Chamberlain; to the Committee on the District of Columbia.

By Mr. ELLENDER:

S. 2317. A bill for the relief of Lillian La-Bauve Linney; to the Committee on Claims.

By Mr. DOWNEY:

S. 2318. A bill for the relief of Primo Giordanengo and Angie Giordanengo; to the Committee on Claims.

S. 2319. A bill to provide for the appointment of a district judge for the northern district of California in order to fill a vacancy in the office of an additional district judge heretofore authorized for such district; and

S. 2320. A bill to provide compensation for personnel sustaining disease or injury while performing civilian defense duty, and to provide indemnities to the beneficiaries of such personnel in certain cases; to the Committee on the Judiciary.

By Mr. SHIPSTEAD:

S. 2321. A bill granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the village of Brooklyn Center; to the Committee on Commerce.

By Mr. WHEELER:

S. 2322. A bill to remove the time limit for cooperation between the Bureau of Reclamation and the Farm Security Administration in the development of farm units on public lands under Federal reclamation projects; to the Committee on Agriculture and Forestry.

**HOUSE BILL REFERRED**

The bill (H. R. 6531) to suspend the effectiveness during the existing national emergency of tariff duties on scrap iron, scrap steel, and non-ferrous-metal scrap was read twice by its title and referred to the Committee on Finance.

**EXTENSION OF BENEFITS OF TITLE II OF SOCIAL SECURITY ACT**

Mr. SMATHERS submitted the following resolution (S. Res. 226), which was referred to the Committee on Finance:

Whereas various legislative proposals to extend the benefits of title II of the Social Security Act, as amended, to employees of States, political subdivisions thereof, and instrumentalities of States or political subdivisions are now pending in the Congress; and

Whereas many of such employees are now members of State or local government retirement systems and have made substantial

contributions from their salaries to the funds used to finance such systems; and

Whereas should title II of the Social Security Act, as amended, be so amended as to extend its benefits to such employees, it is probable that several of the State and local government retirement systems would be abolished; and

Whereas the continuance of the possibility of abolition of such systems is adversely affecting the morale and efficiency of such employees: Therefore be it

*Resolved*, That it is the sense of the Senate that it will not favorably consider any legislation designed to extend the benefits of title II of the Social Security Act, as amended, to employees of States, political subdivisions thereof, and instrumentalities of States and political subdivisions.

**ADDRESS BY COL. E. A. EVANS TO HOLLYWOOD VICTORY COMMITTEE**

[Mr. DOWNEY asked and obtained leave to have printed in the RECORD an address delivered by Col. E. A. Evans, Army liaison officer, to the Hollywood Victory Committee for Stage, Screen, and Radio, at the Beverly-Wiltshire Hotel, Hollywood, Calif., on February 12, 1942, which appears in the Appendix.]

**GEORGE WASHINGTON—ARTICLE FROM PM**

[Mr. NORRIS asked and obtained leave to have printed in the RECORD an article from PM for Monday, February 23, 1942, entitled "An Old Tory Warns Against That Man at Valley Forge," which appears in the Appendix.]

**THE COLLEGES AND SERVICE IN THE MILITARY FORCES**

[Mr. NORRIS asked and obtained leave to have printed in the RECORD an article and 10 questions and answers appearing in the February number of the Journal of Chemical Education, which appear in the Appendix.]

**THE RUBBER SITUATION—NOTICE OF HEARING**

Mr. TRUMAN. Mr. President, some time back the junior Senator from California [Mr. DOWNEY] offered a resolution for an investigation of the rubber situation. The resolution was referred to the Committee on Military Affairs, and was by that committee sent to the Special Committee to Investigate the National Defense Program, of which I am chairman. I appointed a subcommittee of that committee, composed of the Senator from Iowa [Mr. HERRING], as chairman, the Senator from West Virginia [Mr. KILGORE], and the Senator from Maine [Mr. BREWSTER], and they have been holding confidential hearings on the rubber situation with a view to ascertaining exactly what the situation is, so that public hearings may be held without disclosing any strategic information which would be of value to the enemy.

The public hearings will be of vital interest to car drivers and rubber users generally, and the first hearing will be held a week from today, at 10:30 o'clock, in the Senate Office Building, room 318.

Mr. Leon Henderson, the Price Control Administrator, will be the first witness. I think the statement which will be made by Mr. Henderson will be of great importance to the country. I do not believe the automobile drivers and the general users of rubber realize exactly what the rubber situation is. Every effort must be made to conserve that commodity, for the simple reason that the

synthetic-rubber program will be much longer coming into production than was at first anticipated. We shall go into that situation in detail in the public hearings which will start next week. I think it will be of interest to automobile users to conserve their tires more carefully, for they are not going to get any more.

Mr. BREWSTER. Mr. President, supplementing what has been stated by the chairman of the Committee Investigating the National Defense Activities, the Senator from Missouri [Mr. TRUMAN], I wish to mention a matter of concern not only to the committee but possibly the Senate in connection with a story which appeared in a local paper this morning dealing with supposedly secret hearings, in which my name was involved.

Walter Lippmann states in his column this morning:

We have very few Senators who can resist the pleasure of telling all they are told, and none of us can bear not to hear it and spread it about.

An article appearing in a local newspaper this morning would seem to furnish very convincing evidence of the correctness of that statement in at least one case. If it concerned me only, I should not trespass upon the time of the Senate, but since it concerns the functioning of the committee of which the Senator from Missouri is chairman and the subcommittee which he has designated to deal with the rubber situation, I wish to clarify the situation somewhat.

The article in question says:

Information received by the committee in secret session, Senator BREWSTER declared, indicated—

And so forth. I would not say that the members of the press gallery were seeking to teach a lesson to the Senate, but I can conceive of nothing more nicely calculated for our education than the printing of a statement of this character—

Information received by the committee in secret session, Senator BREWSTER declared.

I cherish my associations with the press and with the particular gentleman who wrote the article in question. I wish to believe that he was not deliberately trying to make trouble or to embarrass anyone, but any other explanation is exceedingly difficult. I presume that at times all of us discuss matters decidedly off the record. Part of this statement may have a semblance of correctness, and other parts are inaccurate.

At any rate, in the interest of the relations of the Senate committee with the Departments in Washington, where it is vital that we should enjoy each other's confidence, I wish that they, as well as the Members of the Senate, shall realize that certainly I could never have authorized the publication of any such article as here appears.

Mr. President, I trust this will indicate that I have some conception of the very high responsibilities of the office of Senator.

In connection with the most critical and pressing problem of synthetic rubber and crude rubber and the consequences of the prospective shortage to

our entire economy and particularly to our victory program, there are a number of Government agencies involved, and their harmonious and cooperative functioning is of supreme importance.

In the aluminum program a most regrettable controversy between members of the Cabinet may have greatly delayed our rearmament.

Mindful of this, I made a public statement 2 days ago in which I said that "what we want is rubber and not rows."

I believe everyone should cooperate to that end. I feel encouraged that real progress is being made and that everyone concerned is more and more appreciative of the demand of the people of America that nothing shall be permitted to obstruct or delay our victory program.

Mr. TRUMAN. I am very happy to hear the Senator make the statement he has made, because the hearings of the subcommittee of which he is a member were authorized for the purpose of ascertaining just what could be made public and what should not be made public. Those hearings have been entirely off the record, and they were off the record for strategic purposes. There is nothing the committee desires to cover up, but we felt that rubber was of such vital importance to the war program that we should know exactly what we were going into before we invited the public to listen.

Mr. SCHWARTZ. Mr. President, I wish to reply for a moment to one remark made by the distinguished Senator from Missouri [Mr. TRUMAN], when he said that we should all take good care of our tires, because we were not going to get any more.

I believe that certain segments of our population will get tires when it is necessary for them to get them. The transportation of over half the goods and men carried in the United States moves on rubber over our highways. Farm products have to go from the farms to the railroads over the highways; and the situation, distressing as it is, is not so bad, from all I can find from informed sources, for where they are necessary to carry on the particular necessary businesses, tires will be available in proper amounts for that kind of service.

Mr. TRUMAN. In very small quantities; and there will not be nearly enough for those necessary services, so that the ordinary fellow will not get any more tires when those he has wear out.

Mr. SCHWARTZ. I am not speaking in the interest of the "ordinary fellow"; I am interested in the men who have to have tires in order to get their commodities to the market. Those men, of course, are going to be supplied, and necessarily must be supplied.

Mr. TRUMAN. They cannot be supplied when the tires are not in existence.

Mr. SCHWARTZ. The distinguished Senator is going to conduct a hearing and hear from many experts, so I shall not argue with him about what he is going to hear at the hearings; but I have investigated this matter probably as much as has the Senator, and I do not want the public to understand that we are going suddenly to be paralyzed in all our transportation the coming year, nor do I want the public to understand

that we are not going to be able to create much synthetic rubber before the fall of 1943. It is true that up to date some of the major oil companies are still adjusting their willingness to create butadiene and other products for the production of rubber, according to where it is most economical to do it. We are going to cure that, too. I do not want the American people to think we are folding up all at once and have our enemies across the water get the same idea. Today railroads are paralleling their lines with large busses, each using from 6 to 10 immense rubber tires, and at the same time many of the railroad cars are half filled with passengers. We can save rubber by discontinuing some of these busses and thus get some rubber for farmers moving their products to market and to businessmen for necessary delivery and transfer purposes.

#### ECONOMIC POST-WAR PROBLEMS— STATEMENT BY BLAIR MOODY

Mr. DOWNEY. Mr. President, in time of war we are under an equal compulsion to plan for peace, lest all that we seek to win be lost in the aftermath. It is encouraging to me to note that at least one writer in Washington has devoted himself intelligently and exhaustively to the economic problems we shall face when peace comes. I refer to Blair Moody, noted Capital correspondent, whose book, *Boom or Bust*, has recently appeared.

I should like to call to the attention of the Senate some of the most pertinent passages from this important work.

Obscured by the rush to arm and the pressure of imminent war, there has taken shape in the highest reaches of official Washington a sweeping shift in basic slant, a gigantic awakening to economic realism.

Nothing except the single issue of peace or war is so important to the average citizen as whether this little publicized but rapidly spreading point of view fades or becomes the dominant pattern of the United States after the crisis. On what President Roosevelt does about this, scarcely less than on what he does about the Nazis, may rest the future welfare of the American people.

If Government spending on arms can make the factories whirl, if the shortage of food abroad can reverse our whole scarcity farm plan, if the bookkeeping items that represent Uncle Sam's borrowing can increase profits and shove the national income right up through the skylight, why cannot the factories and farms be made to whirl also by spending of the people—people buying to increase their own standard of living with money they earn, in the aggregate, producing those goods?

In other words, if we turn our productive power loose when the war is over and call overproduction by its real name, underconsumption, why would not that provide the answer for which we have all been looking? Certainly it could not be much worse than what seems inescapably ahead under the alternative system of scarcity.

Obviously, Government spending is justified in an emergency. In the future, under a program integrated with the rest of the economy, it may provide one of the most important parts of the answer. But is it justified perpetually if nothing is being done meanwhile to straighten out what is basically wrong? To that question the orthodox business traditionalists, to the last man, will roar a resounding "No," but so far they have not seen the real picture clearly enough to

correct it in order that Government spending could stop.

The Capital's keenest analysts hold that the New Deal spending of the 1930's failed, except as a stop-gap, because it merely put a plaster on the wounds, never went deep enough to cure them. There still were not enough goods to go around, or rather, not enough money in the hands of the people to take goods off the shelves and stimulate production of more, which would create more jobs.

But now, for an entirely different purpose, which no one can question, has come a spending program of great enough magnitude really to get the economy rolling at full throttle. If managed properly, the progressives believe, we can keep it rolling.

Will we have the wit to take full advantage of this tremendous momentum of spending power? Or will we allow this opportunity to knock, and pass by, and then try to lift ourselves by our bootstraps all over again after it has gone?

It is now or never.

There should be no doubt in which direction that is. Our productive capacity is greater today than ever before. It exceeds by far the peak reached in the boom of the 1920's. It can be even greater, much greater. We have the manpower, the materials, the management, and the financial resources to make this a \$120,000,000,000 country in any peacetime year instead of a sixty- or a seventy- or an eighty-billion-dollar country. And we can do it without disturbing in any particular any essential, basic principle of the capitalistic system. That system is in danger only if we do not make it work.

#### DEFENSE OF THE WEST COAST

Mr. DOWNEY. Mr. President, on February 11 of this year a column by Walter Lippmann appeared in the press, describing the administrative problems of the Pacific coast.

Mr. Lippmann is concerned—as I am, too—with the difficulties encountered by our Government in attempting to run the defense of the west coast by remote control from Washington. As he remarks:

Anyone who comes here from Washington will, I believe, soon be convinced that the distance is too great, that communication is too difficult, and that questions are often too peculiar to be dealt with by referring them back and forth between the many separate Government departments in the Capital and their many separate subordinates out there.

Mr. President, because the issue which Mr. Lippmann has raised is one of an increasingly critical nature, and because he has set it forth with all his accustomed clarity and fecility of expression, I request that his statement be included in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times of February 11, 1942]

TODAY AND TOMORROW—A REPORT FROM  
SOUTHERN CALIFORNIA  
(By Walter Lippmann)

SAN FRANCISCO.—From what I have seen in southern California I have the very strongest impression that the control exercised by Washington is too remote for efficiency and that some way must be found by which urgent military and civil questions can be decided on the Pacific coast itself. I am not speaking of the general strategical planning of the great war, but of the internal and external defense of this combat area which contains the main bases and some of the principal arsenals of the Pacific war. Anyone who comes here from Washington will, I believe,



soon be convinced that the distance is too great, that communication is too difficult, and that the questions are often too peculiar to be dealt with by referring them back and forth between the many separate Government departments in the Capital and their many separate subordinates out here.

I myself, for example, have had two personal experiences in California, trifling in themselves perhaps, which nevertheless are, I believe, illustrative. Before leaving Washington I was given permission to visit some of the important base areas on the Pacific coast. My credentials named certain officers and their commands. The first time I used the credentials it turned out that the officer named in my papers from Washington had in fact retired quite some time ago. No doubt this was no more than a clerical error by one bureau of one large department in Washington. But it does suggest how remote is Washington when even one bureau concerned with such matters can fail to be vividly and wholly aware of the very name of the man who commands one of the most important bases in continental United States.

#### NO REAL CONTROL

My second experience was with credentials from Washington authorizing me to visit certain plants producing weapons. My Washington papers named one specific plant in southern California which I was allowed to visit. As a matter of fact, I was actually taken without papers to two plants and was invited to visit several others. There was nothing in the notion, which seemed to prevail in Washington, and involved a lot of time and paper work, that Washington really controlled who visited what plant in California.

The only point in mentioning these things is that they illustrate the general conclusion, which few out here would dispute, that in spite of the Roberts report on Pearl Harbor there is as yet no solution in this vulnerable region of the problem of adequate authority and of unified command and of clearly fixed responsibility. I visited one base area which must be protected at all costs. Undoubtedly much has been accomplished since December 7. The Navy and Army, the Civilian Defense, the Department of Justice, and the local government were alert and in close and friendly relations. But my impression was that there existed no clear division of authority, much less a final over-all authority, and that in matters which might at any moment become critically dangerous the several commanders and civilian officials on the spot were entangled in confusing theoretical, ideological, and academic discussions with officials in Washington. I was unable to feel that the officials at their desks in Washington could fully grasp the practical questions they were trying to decide, or could realize how urgent they are.

#### COMMAND NEEDED

Officers and civilian officials, who may at any moment be face to face with the enemy striking from without and from within, were still corresponding with Washington about questions which call for the equipment of constitutional lawyers, international lawyers, diplomats, economists, sociologists, politicians, and even journalists. Now it is inconceivable that they can put their whole minds and all their energy to protecting this base against what might be irreparable damage if they are not allowed to decide what security requires and are unable to get prompt approval or modification of their decisions from high Government authority nearer to the situation than Washington can hope to be.

When one considers the size of the country, the complexity of this war, the many commands, the many civilian departments concerned with security, and the multiplicity of local authority, the States, the counties, the municipalities, it does not seem possible that

the right measures can be taken by invoking the blessed words "coordination, cooperation, and consultation." War requires authority, command, obedience, and discipline, and to be effective these things must be exercised and enforced by men who are not too remote from the scene of action.

#### POSSIBLE SOLUTION

I do not know how it is to be done. But I am satisfied that there is needed in the Pacific coast region not only unity of military command at the top with a direct chain of unified command to each critical position, but also a unity of civil authority, a something in the nature of a governor-general with cabinet council entrusted with most of the war powers now lodged in Washington.

It is easy enough to think of all the reasons why this is novel and unprecedented and difficult to do. But if it is a necessary thing to do, we ought not to wait for another Pearl Harbor before doing it. Now, the fact is that the Pacific coast is an absolutely vital region both to the defensive and to the offensive power of the United States. It is very much more vulnerable than we like to realize.

The real obstacle to thorough measures is, it seems to me, a false perspective in Washington and to a considerable extent on the Pacific coast as well. There is a general hesitation about exercising powers which in effect approximate martial law, and of concentrating these powers where they can be effectively exercised. This hesitation arises from scruples, which are quite proper in time of peace, against overriding private interests, vested interests, local and departmental prerogatives.

But these hesitations will be seen in proper perspective when we take as our standard of judgment the fact that the damage done by acting promptly and drastically can be repaired, while the damage which may result from inaction can be irreparable. It may be unpleasant to lock the stable door tight while the horse is still there. But it is far more unpleasant to lock it after the horse is stolen.

#### FIFTH SUPPLEMENTAL DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 6611) making additional appropriations for the national defense for the fiscal year ending June 30, 1942, and for other purposes.

#### CONSOLIDATION OF POLICE AND MUNICIPAL COURTS OF THE DISTRICT

Mr. McCARRAN. Mr. President, there is pending on the calendar House bill 5784 to consolidate the Police and Municipal Courts of the District of Columbia, and for other purposes, to which I desire to draw the attention of the Senate, and for which I shall ask present consideration for the reason that my good friend, the Senator from Maryland [Mr. TYDINGS] may be required to be absent from the Senate if the bill were to be considered later in the day. The calendar number is 1152. The Senator from Tennessee [Mr. McKELLAR] in charge of the pending appropriation bill, has very kindly consented that I may bring up House bill 5784, and temporarily displace the unfinished business, providing the consideration of the bill does not take to exceed 30 minutes. If the consideration of the bill requires to exceed 30 minutes, then I shall desist, and will attempt to have the bill considered at another time.

Mr. President, the reason for asking consideration for the bill now is that the senior Senator from Maryland desires to present an amendment to the bill, to

which I, as the author of the bill, cannot agree. I desire to have the matter presented to the Senate, and if the Senate sees fit to adopt the amendment of the Senator from Maryland, well and good. If it does not, then the bill might go through as amended by the Senate Committee on the District of Columbia.

With that in mind, I shall now ask unanimous consent that House bill 5784 be immediately considered, thus displacing the pending business, but providing that if at the end of 30 minutes from this time the bill shall not have been disposed of, we shall desist and allow the unfinished business to be taken up. I make that request, if it is satisfactory to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, with that understanding I have no objection. I suggest that the Senator from Nevada ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of proceeding with the consideration of his bill for half an hour.

Mr. McCARRAN. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily, and that the Senate proceed to the consideration of House bill 5784.

The VICE PRESIDENT. Is there objection to the unanimous-consent request that the unfinished business be temporarily laid aside, and that the Senate proceed to consider House bill 5784?

There being no objection, the Senate proceeded to consider the bill (H. R. 5784) to consolidate the police and municipal courts of the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause, and to insert in lieu thereof the following:

That the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, be, and they are hereby, consolidated into a single court to be known as "The Municipal Court for the District of Columbia."

#### THE MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

The court shall consist of 10 judges appointed by the President with the advice and consent of the Senate, 1 of whom shall be designated by the President as chief judge.

The terms of the judges shall be in accordance with the following schedule: The first two appointments shall be for a term of 10 years each; the second two appointments shall be for a term of 8 years each; and the remaining six appointments shall be for a term of 6 years each. The judges of the Police and Municipal Courts of the District of Columbia holding office on the effective date of this act shall, however, serve as judges of the Municipal Court for the District of Columbia hereby created until the expiration of their respective commissions and until their successors are appointed and qualified.

The court shall adopt and have a seal, and shall be a court of record.

Sec. 2. Subsequent appointments and reappointments to this court shall be for a term of 10 years each. All judges shall continue in office until their successors shall be appointed and qualified. Each judge shall be subject to removal only in the manner and for the same causes as are now or hereafter provided for the removal of Federal judges. The salary of the chief judge shall be \$8,500 per annum and the salary of each associate judge shall be \$8,000 per annum. Each judge, when

appointed, shall take the oath prescribed for judges of courts of the United States. No person other than a bona fide resident of the District of Columbia and maintaining an actual place of abode therein for at least 5 years immediately prior to his appointment shall be appointed and further such appointee shall have been actively engaged in the practice of the law in the District of Columbia for a period of at least 5 years immediately prior to his appointment, or shall have been a judge of one of the courts of the District of Columbia.

SEC. 3. (a) The chief judge shall, from time to time and for such period or periods as he may determine, designate the judges to preside and attend at the various branches and sessions of the court. He shall have the power to determine the number and fix the time of the various sessions of the court, to arrange the business of the court, and to divide it and assign it among the judges. He shall also be charged with the general administration and superintendence of the business of the court.

(b) The chief judge shall give his attention to the discharge of the duties especially pertaining to his office, and to the performance of such additional judicial work as he may be able to perform.

(c) It shall be the duty of the chief judge and the associate judges to meet together at least once in each month in each year, at such time as may be designated by the chief judge, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them.

It shall be the duty of each associate judge to attend and serve at any branch or session of the court to which he is assigned. Each associate judge shall submit to the chief judge a monthly report in writing of the duties performed by him, which report shall specify the number of days attendance in court of such judge during said month, and the branch courts upon which he has attended, and the number of hours per day of such attendance, and such other data as may be required by the chief judge, and in such form as the chief judge shall require.

The chief judge shall submit to the Attorney General of the United States and to the Commissioners of the District of Columbia a quarterly report in writing of the business of the court and of the duties performed by each of the judges of the court during the preceding 3 months. A copy of said report shall be filed in the office of the clerk of the court and shall be available and subject to public inspection during business hours.

In the event of the absence, disability, or disqualification of the chief judge, his duties shall devolve upon and be performed by the other judges in the order of seniority of their commissions.

Each judge shall be entitled to vacation, which shall not exceed 36 court days in any one calendar year, and which shall be taken at such times as may be determined by the chief judge.

The court shall have authority to appoint and remove a clerk of the court, whose salary shall be fixed by the court in accordance with the Classification Act of 1923, as amended, and the clerk so appointed shall have and exercise the powers and authority heretofore had or exercised by the clerk of the Police Court of the District of Columbia and the clerk of the Municipal Court of the District of Columbia.

The clerk of the court shall have authority, subject to the approval of the chief judge, to appoint and remove such deputy clerks and such other employees as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them, except clerks serving the respective judges, who shall be appointed and removed from office by the respective judges, their compensation to be fixed by the respective

judges in accordance with the Classification Act of 1923, as amended.

The court shall have authority to appoint and remove a probation officer of the court, whose salary shall be fixed by the court in accordance with the Classification Act of 1923, as amended, and the probation officer so appointed shall have and exercise the powers and authority heretofore had or exercised by the probation officer of the Police Court of the District of Columbia.

The probation officer of the court, subject to the approval of the chief judge, shall have authority to appoint and remove such assistant probation officers and such other employees of the probation office as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them.

All officials and employees of the Police Court of the District of Columbia and of the Municipal Court of the District of Columbia holding office on the effective date of this act shall continue in office unless and until they are removed therefrom; and all appropriations for the said police court or the said municipal court shall be available for the payment of the salaries and expenses of the Municipal Court for the District of Columbia as hereby established.

SEC. 4. (a) The Municipal Court for the District of Columbia, as established by this act, shall consist of a criminal and a civil branch. The court and each judge thereof shall have and exercise the same powers and jurisdiction as were heretofore had or exercised by the Police Court of the District of Columbia or by the Municipal Court of the District of Columbia or the judges thereof on the effective date of this act, and in addition the said court shall have exclusive jurisdiction of civil actions, including counterclaims and crossclaims, in which the claimed value of personal property or the debt or damages claimed, exclusive of interest, attorneys' fees, protest fees, and costs, does not exceed the sum of \$3,000 and, in addition, shall also have exclusive jurisdiction of such actions against executors, administrators, and other fiduciaries: *Provided, however,* That the District Court of the United States for the District of Columbia shall have jurisdiction of counterclaims and cross claims interposed in actions over which it has jurisdiction. The court shall also have jurisdiction over all cases properly pending in the Municipal Court of the District of Columbia or the Police Court of the District of Columbia on the effective date of this act.

(b) Service of process in the criminal division of the court shall be had as provided under existing law for the Police Court of the District of Columbia; service of process in the civil division of the court shall be had as provided under existing law for the Municipal Court of the District of Columbia, or in such other manner as may be prescribed by rules of court.

(c) All judgments entered by the Municipal Court for the District of Columbia on or after the effective date of this act shall remain in force for 6 years and no longer unless the same be docketed in the office of the clerk of the District Court of the United States for the District of Columbia. Upon payment of a fee of 50 cents the clerk of the Municipal Court for the District of Columbia shall prepare a copy of any judgment of the said court whether heretofore rendered and in force and effective on the effective date of this act or hereafter rendered, and the same upon being docketed with the clerk of said District Court shall have the same force and effect for all purposes as if it had been a judgment of said district court. For the docketing of the same the clerk of said district court shall charge a fee of 50 cents.

SEC. 5. (a) If, in any action, other than an action for equitable relief, pending on the effective date of this act or thereafter com-

menced in the District Court of the United States for the District of Columbia, it shall appear to the satisfaction of the court at any pretrial hearing thereof that the action will not justify a judgment in excess of \$1,000, the court may certify such action to the Municipal Court for the District of Columbia for trial. The pleadings in such action, together with a copy of the docket entries and of any orders theretofore entered therein, shall be sent to the clerk of the said Municipal Court, together with the deposit for costs, and the case shall be called for trial in that court promptly thereafter; and shall thereafter be treated as though it had been filed originally in the said Municipal Court, except that the jurisdiction of that court shall extend to the amount claimed in such action, even though it exceed the sum of \$3,000.

(b) The Municipal Court for the District of Columbia shall have the power and is hereby directed to prescribe, by rules, the forms of process, writs, pleadings and motions, and practice and procedure in such court, to provide for the efficient administration of justice, and the same shall conform as nearly as may be practicable to the forms, practice, and procedure now obtaining under the Federal Rules of Civil Procedure. Said rules shall not abridge, enlarge, or modify the substantive rights of any litigant. After their effective date all laws in conflict therewith shall be of no further force or effect: *Provided, however,* That nothing in this section shall be construed to require any change in the existing rules, procedure, or practice now in effect in the small claims and conciliation branch of the presently constituted Municipal Court of the District of Columbia; nor shall this act or any section thereof in any way repeal or modify the provisions of the act of March 5, 1938 (52 Stat. 103, ch. 43), establishing said small claims and conciliation branch.

(c) The Municipal Court for the District of Columbia shall have the power to compel the attendance of witnesses from any part of the District of Columbia by attachment, and any judge thereof shall have the power to punish for disobedience of any order, or contempt committed in the presence of the court by a fine not exceeding \$50 or imprisonment not exceeding 30 days.

#### THE MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

SEC. 6. There is hereby established and created an intermediate appellate court for the District of Columbia to be known as the Municipal Court of Appeals for the District of Columbia, for the hearing of appeals from judgments and orders of the Municipal Court for the District of Columbia as established by this act, and of the Juvenile Court of the District of Columbia, as hereinafter provided.

The court shall adopt and have a seal, and shall be a court of record.

The said court shall consist of three judges appointed by the President, with the advice and consent of the Senate, two of whom shall constitute a quorum, and one of whom shall be designated by the President as chief judge.

The chief judge shall be appointed for a term of 10 years, and the associate judges shall be appointed initially for terms of 8 and 6 years each.

Subsequent appointments and reappointments to this court shall be for a term of 10 years each. All judges shall continue in office until their successors shall be appointed and qualified. The qualifications for judges of said court shall be the same as those for judges of the Municipal Court for the District of Columbia. Each judge shall be subject to removal only in the manner and for the same causes as are now or hereafter provided for the removal of Federal judges. The salary of the chief judge shall be \$9,500 per annum, and that of each associate judge shall be \$9,000 per annum. Each judge, when



appointed, shall take the oath prescribed for judges of courts of the United States. In the event of the absence, disability, or disqualification of any judge of the Municipal Court of Appeals for the District of Columbia, or in the event of a vacancy in the office of any such judge, the chief judge of said court may designate and assign any judge of the Municipal Court for the District of Columbia to act temporarily as a judge of said court. Likewise the chief judge, whenever he finds it in the public interest to do so, may designate and assign any judge of said Municipal Court of Appeals to act temporarily as a judge of the Municipal Court for the District of Columbia. In the event of the absence, disability, or disqualification of the chief judge of said court, his powers shall be exercised by that judge of said court next in seniority according to the date of commission.

The said court shall appoint a clerk who shall exercise the same powers and perform the same duties in regard to all matters within the jurisdiction of the court as are exercised and performed by the clerk of the United States Court of Appeals for the District of Columbia, so far as the same may be applicable, and his compensation shall be fixed by the court in accordance with the Classification Act of 1923, as amended. The clerk of the court, subject to the approval of the chief judge, shall have authority to appoint and remove such deputy clerks and such other employees as he may deem necessary, and to have their compensation fixed by the chief judge in accordance with the Classification Act of 1923, as amended, and shall have supervision and direction over them, except clerks serving the respective judges, who shall be appointed and removed from office by the respective judges, their compensation to be fixed by the respective judges in accordance with the Classification Act of 1923, as amended.

SEC. 7. (a) Any party aggrieved by any final order or judgment of the Municipal Court for the District of Columbia, as created by this act, or of the Juvenile Court of the District of Columbia, may appeal therefrom as of right to the Municipal Court of Appeals for the District of Columbia. Appeals may also be taken to said court as of right from all interlocutory orders of the Municipal Court for the District of Columbia whereby the possession of property is changed or affected such as orders dissolving writs of attachment and the like: *Provided, however,* That reviews of judgments of the small claims and conciliation branch of the Municipal Court of the District of Columbia, and reviews of judgments in the criminal branch of the court where the penalty imposed is less than \$50, shall be by application for the allowance of an appeal, filed in said Municipal Court of Appeals. Said application shall be on a standard form, in simple language, prescribed by the Municipal Court for the District of Columbia. When the appealing party is not represented by counsel it shall be the duty of the clerk to prepare the application in his behalf. The application for appeal shall be filed in the Municipal Court of Appeals for the District of Columbia within 3 days from the date of judgment. It shall be promptly presented by the clerk to the chief judge and to each of the associate judges for their consideration. If they or any one of them are of the opinion that the appeal should be allowed, the appeal shall be recorded as granted, and the case set down for hearing on appeal and given a preferred status on the calendar, and heard in the same manner as other appeals in said court. If the chief judge and both associate judges shall be of the opinion that an appeal should be denied, such denial shall stand as an affirmation of the judgment of the trial court, from which there shall be no further appeal.

After the effective date of this act no writs of error or appeals, except in respect of

judgments theretofore rendered, shall be granted by the United States Court of Appeals for the District of Columbia to the said Municipal Court or to the said Juvenile Court.

(b) The Municipal Court of Appeals for the District of Columbia shall have the power to prescribe by rules what parts of the proceedings in the court below shall constitute the record on appeal, and to require that the original papers be sent to it instead of copies thereof, and generally to regulate all matters relating to appeals, whether in the court below or in said the Municipal Court of Appeals for the District of Columbia.

(c) The Municipal Court of Appeals for the District of Columbia shall not require the record or briefs on appeal to be printed, and if they are printed, the cost of printing shall not be taxed as costs in the case. Said court shall review the record on appeal and shall affirm, reverse, or modify the order or judgment in accordance with law. If the issues of fact shall have been tried by jury, the Municipal Court of Appeals for the District of Columbia shall review the case only as to matters of law. If the case shall have been tried without a jury, the Municipal Court of Appeals for the District of Columbia shall have the power to review both as to the facts and the law, but in such case the judgment of the trial court shall not be set aside except for errors of law or unless it appears that the judgment is plainly wrong or without evidence to support it.

(d) This section shall not apply to any judgments rendered prior to the effective date of this act.

SEC. 8. Any party aggrieved by any judgment of the Municipal Court of Appeals for the District of Columbia may seek a review thereof by the United States Court of Appeals for the District of Columbia by petition for the allowance of an appeal. The petition shall be in writing and shall be filed with the clerk of said United States Court of Appeals within 10 days after the entry of such judgment, the contents of the petition to conform to the requirements which said United States Court of Appeals may by rule prescribe. Said Court of Appeals may prescribe rules governing the practice and procedure on such applications, the preparation of and the time for filing the transcript of the record in such cases, and generally to regulate all matters relating to appeals in such cases. If said Court of Appeals shall allow an appeal, the court shall review the record on appeal and shall affirm, reverse, or modify the order or judgment in accordance with law.

SEC. 9. (a) The Municipal Court of Appeals for the District of Columbia shall have the power and is hereby directed to prescribe, by rules, the forms of process, writs, pleadings and motions, and practice and procedure in such court, to provide for the efficient administration of justice, and the same shall conform as nearly as may be practicable to the forms, practice, and procedure now obtaining under the Federal Rules of Civil Procedure. Said rules shall not abridge, enlarge, or modify the substantive rights of any litigant. After their effective date all laws in conflict therewith shall be of no further force or effect.

Service of process shall be made by the United States marshal for the District of Columbia.

(b) The Municipal Court of Appeals for the District of Columbia, or any judge thereof, shall have the power to punish for disobedience of any order or contempt committed in the presence of the court by a fine not exceeding \$50, or imprisonment not exceeding 30 days.

SEC. 10. The Municipal Court for the District of Columbia, and the Municipal Court of Appeals for the District of Columbia, as established by this act, shall have full power and authority to censure, suspend, or expel from practice, at their respective bars, any attorney for any crime involving moral turpitude, or

professional misconduct, or any conduct prejudicial to the administration of justice. Before any such attorney is censured, suspended, or expelled, written charges under oath against him must be presented to the court, stating distinctly the grounds of complaint. The court may order the charges to be filed in the office of the clerk of the court and shall fix a time for hearing thereon. Thereupon a certified copy of the charges and order shall be served upon the attorney personally by the marshal or such other person as the court may designate, or in case it is established to the satisfaction of the court that personal service cannot be had, a certified copy of such charges and order shall be served upon him by mail, publication, or otherwise, as the court may direct. At any time after the filing of said written charges, the court shall have the power, pending the trial thereof, to suspend from practice at its bar the person charged.

SEC. 11. (a) Any judge of the Municipal Court for the District of Columbia, any judge of the Municipal Court of Appeals for the District of Columbia, as established by this act, or any judge of the Juvenile Court of the District of Columbia, may hereafter retire after having served as a judge of such court for a period or periods aggregating 20 years or more, whether continuously or not. Any judge who so retires shall receive annually in equal monthly installments, during the remainder of his life, a sum equal to such proportion of the salary received by such judge at the date of such retirement as the total of his aggregate years of service bears to the period of 30 years, the same to be paid in the same manner as the salary of such judge. In no event shall the sum received by any such judge hereunder be in excess of the salary of such judge at the date of such retirement. In computing the years of service under this section, service in either the Police Court of the District of Columbia, or the Municipal Court of the District of Columbia, or the Juvenile Court of the District of Columbia, as heretofore constituted, shall be included whether or not such service be continuous. The terms "retire" and "retirement" as used in this section shall mean and include retirement, resignation, or failure of reappointment upon the expiration of the term of office of an incumbent.

(b) Any judge receiving retirement salary under the provisions of this act may be called upon by the chief judge of the Municipal Court for the District of Columbia or the chief judge of the Municipal Court of Appeals for the District of Columbia to perform such judicial duties as may be requested of him in either of said courts, or in the Juvenile Court of the District of Columbia, but in any event no such retired judge shall be required to render such service for more than 90 days in any calendar year after such retirement. In case of illness or disability precluding the rendering of such service such retired judge shall be fully relieved of any such duty during such illness or disability.

SEC. 12. If any provision of this act, or the application thereof to any person or circumstance, shall be held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances, shall not be affected thereby; and if any provision hereof becomes inoperative, either by reason of failure of appropriations or otherwise, it shall not affect the legality or operative effect of any or all of the remaining features and provisions hereof.

SEC. 13. The appropriations in the 1942 District of Columbia Appropriation Act, approved July 1, 1941, for the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, are hereby continued available for the purposes specified therein, and for the expenditures authorized by this act. And there is hereby authorized to be appropriated, out of any

moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such funds as may be necessary to carry out the provisions of this act.

Sec. 14. The provisions of this act authorizing the appointment and salaries of the judges of the Municipal Court of Appeals for the District of Columbia and the clerk, deputy clerks, and other employees of said court, shall take effect one month after approval of this act. The other provisions of this act shall take effect 3 months after the date of its approval.

The expression "effective date of this act," as used in this act, means 3 months after the approval of this act.

Amend the title so as to read: "A bill to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia', to create 'The Municipal Court of Appeals for the District of Columbia', and for other purposes."

Mr. TYDINGS. Mr. President, I send to the desk an amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 15, beginning with line 16, it is proposed to strike out all down to and including line 19 and insert in lieu thereof the following:

No person shall be appointed a judge of the Municipal Court for the District of Columbia unless he shall have been.

Mr. TYDINGS. Mr. President, if I may have the attention of the Senate for 2 or 3 minutes I can explain what is in controversy. I am thoroughly in favor of the bill; I am thoroughly in favor of all the amendments which have been offered by the committee, with one exception. As the bill is drawn, no one can be appointed a judge under its provisions unless he not only practices law in the District of Columbia, but also lives in the District of Columbia. That is the way the bill comes before the Senate. My amendment does not require residence in the District of Columbia, but does require that the appointee be in active practice in the District of Columbia.

The reason for the amendment is that a number of eminent Washington attorneys have come to me and have pointed out that a great many of the attorneys who practice in the District, really a tremendously large proportion of them, live in the suburbs around the District, for example, in Chevy Chase, which is a continuation of the District of Columbia. Many of those who practice in the District of Columbia live just over the line in my own State of Maryland; they are really Washingtonians who maintain law firms and offices in the District, but they would be precluded from being appointed judges because they live across the line. Therefore it has been pointed out that the selection should be made from all the available talent actively engaged in the practice of law in the District of Columbia. As the bill is drawn, talent for appointment as judges cannot be considered except from among those who live in the District.

It is a matter of no particular concern to me as an individual, nor am I

primarily making this plea on behalf of persons who live in my State. Let us consider the city of Baltimore. There are any number of Baltimore lawyers who live in the suburbs of Baltimore, but who make their living in and are at their offices every day in the city of Baltimore. The situation, however, is somewhat different in Washington. The limits of the city define an entirely different political entity. When a person crosses the District line he enters another jurisdiction, and if he lives across the line his home is in a State. If the bill is passed without the amendment I suggest, it will mean that consideration will not be given to men such as Roger Whiteford, one of the eminent lawyers of this city, whose law firm contains some 20 lawyers. He does not want any of these places, and I simply use his name by way of illustration. Most of the members of his law firm live either in Virginia or in Maryland, although some of them live in the District. Under the bill as now drawn, the best talent will quite often be excluded, because Senators will find by going through the lawyers' index of the regular practicing Washington attorneys that a great many of them live outside the District, but their place of business is in the city of Washington, and many of them have been practicing the legal profession here for 20 or 25 or 30 years.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. NORRIS. In connection with the Senator's amendment, I think it would be well to know something about the proposed courts. I have not read the bill reported by the District of Columbia Committee. I notice, however, that it proposes to set up a new court called the municipal court, which will consist of 10 judges. I should like to know whether that court will have any jurisdiction outside the District or whether it will be like a municipal court in any ordinary city which simply handles municipal affairs?

Mr. TYDINGS. I think it is correct to say that the court will handle simply municipal matters. I think it is only fair to say in opposition to my own amendment that if it shall be adopted men may be appointed to the court who live in Virginia, across the river in Alexandria, or in Chevy Chase, or in Bethesda or Silver Spring, within a mile or a mile and a half of the District, who will be passing on affairs or events happening exclusively within the District. That is an objection, but there is this to be said on the other side: A large percentage of the legal profession of the city of Washington engaged in regular practice does not live in the District. Those lawyers live in the suburbs. The question is whether the Senate wants to get only the best talent from among men who are regularly engaged in the practice of law in the District of Columbia and who live in the District, or whether the Senate wants to get the best talent from among not only those who live in the District and who practice here and make their living here before these very courts but also from among those who live lightly beyond the point where the District line

is drawn, even though the city is continuous.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. CHAVEZ. I believe there is much of merit in what the Senator from Maryland has stated. My objection would be to a judge being appointed to preside in the District of Columbia who comes from a distance. I do not object to judges being selected from the class of persons of whom the Senator has just spoken. The city of Washington and the District of Columbia have fine lawyers, highly respected attorneys, who would be a credit to any community. The objection I have is that frequently when it is necessary to select a judge to preside in a court in the District of Columbia, a lawyer is chosen from some other section of the country who could not be elected in his own home town, or someone who could not be recommended for such a position in his own home State. If a lawyer chosen from Massachusetts for appointment as judge in the District is so good, why is he not selected for such a position in Massachusetts?

Mr. TYDINGS. The Senator is entirely correct. Even with my amendment, what the Senator inveighs against would not be possible of accomplishment. Let me illustrate. In order to be appointed to a judgeship a person must have been actively engaged in the practice of law in the District of Columbia for at least 5 years immediately prior to his appointment, or must have been a judge of one of the courts of the District of Columbia.

Mr. CHAVEZ. Mr. President, will the Senator further yield?

Mr. TYDINGS. I shall be glad to yield in a moment. I wish only to leave the thought that no outside attorney could be appointed to any one of these places, either under the terms of the bill or under the terms of my amendment, unless he had been actively engaged for a period of at least 5 years in the practice of law in the District of Columbia.

I now yield to the Senator from New Mexico.

Mr. CHAVEZ. I know of my own knowledge that there are many fine lawyers in the District of Columbia. I am speaking about real lawyers, not the ones who go to the departments to try to do a little "fixing." I am speaking of practitioners before the courts of the District of Columbia. But what do we see? A man who could not be recommended for a judgeship in the State of Iowa is good enough to come here and interpret the law in the District of Columbia. A man who could not possibly be recommended in another State comes to the District of Columbia and obtains an appointment as a judge. I think it is unfair. I object to such a situation just as much as I would object to appointing someone even from the good State of Maryland to be a judge in my State of New Mexico.

Mr. TYDINGS. I think the Senator's position is absolutely sound. As I pointed out, the condition against which he inveighs would not be possible under the terms of the bill or under the terms of



my amendment. No one could come to the District of Columbia and be appointed a judge unless for 5 years immediately preceding his appointment he had been in active practice before the District of Columbia courts.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. McKELLAR. Suppose a man is with the Department of Justice, the Securities and Exchange Commission, the Interstate Commerce Commission, or some other agency of the Government, and has been practicing law here for 5 years. Would he be eligible under the terms of the Senator's amendment?

Mr. TYDINGS. In my judgment, he would not be if he were working for the Government.

Mr. McCARRAN. If he were living here and practicing law here he would be eligible.

Mr. TYDINGS. He would be eligible even without my amendment.

Mr. McKELLAR. Would the Senator's amendment change that situation?

Mr. TYDINGS. Not at all.

Mr. McKELLAR. Is the Senator from Nevada of the opinion that he would be eligible?

Mr. McCARRAN. He would be eligible, with this understanding: The bill proposes to set up a municipal court, dealing with and having to do exclusively with matters within the boundaries of the District of Columbia. The amendment of the Senator from Maryland addresses itself to the language of the bill, in which it is provided that persons eligible for appointment to the bench shall be those who have practiced law for 5 years within the District of Columbia, and who live within the District of Columbia. That is now the law. It has been the law for many years; and I have merely carried into the pending bill the provision of the existing law. The amendment of my good friend from Maryland seeks to change that which is now the law with regard to qualifications.

Mr. TYDINGS. With regard to residence.

Mr. McCARRAN. With regard to the qualification of residence for judges. Please understand that one who practices law in the District of Columbia, however long he may have practiced, may not practice law in Maryland, although he may live in Maryland. The laws of Maryland and the regulations governing the Maryland bar do not permit the practice of law over the line in the State of Maryland by such a person.

The purpose of the amendment is to throw the doors open so that judges may be selected not only from Maryland but from any other State in the Union to fill the bench in the District of Columbia.

It has been my judgment ever since I have been a member of the Committee on the District of Columbia that those who live in the District of Columbia and carry on their practice here should have the honors and responsibilities which belong to the District of Columbia. I have tried to carry out that policy. It has been written into the bill. It is now the law; and that is the reason I cannot

agree with my good friend from Maryland.

Mr. TYDINGS. Mr. President, I do not want to leave the Senate under a misapprehension, which I am afraid the altogether accurate remarks of my friend from Nevada would create. The only difference between the bill as now written and the bill as it would be if my amendment were adopted, is in one particular. The Senator from Nevada and I are in agreement as to the requirement of actual practice in the District of Columbia. The issue before the Senate does not involve any disagreement between us as to the qualification with regard to practice. The only thing on which we disagree, and the sole issue embraced in the amendment, is that under the plan of the Senator from Nevada no one could hold a judgeship in the municipal court, notwithstanding the fact that he might have been practicing here for 30 years, unless he lived within the District of Columbia. Under my amendment, if a person had lived in Virginia or Maryland, but had been in active practice before the courts of the District of Columbia for 30 years, residence would not be a necessary qualification. That is all there is in my amendment. I have retained everything in the original bill relating to the qualification as to practice. Under the bill as now written and under my amendment, no person could be appointed to one of these places unless he had been actively engaged in the practice of law in the District of Columbia for a period of at least 5 years immediately prior to his appointment. My amendment would strike from the bill the requirement that he must have had residence in the District of Columbia for at least 5 years immediately preceding his appointment.

I do not have the figures, but I think it is safe to say that at least a third, if not more, of the lawyers who practice daily in Washington live in either Virginia or Maryland. In most cases they do not practice in the Maryland or Virginia courts. Their sole field of operation is in the District. Therefore, if we exclude such persons from consideration in making these appointments, even though they have been practicing here for 25 or 30 years, we narrow the field of the best candidates available. I do not think anybody will dispute that statement.

Because of the crowded condition in Washington, as a general rule, the average successful lawyer, who acquires a reputation as a practitioner and who makes money, begins to look for a residence in the suburbs. If Washington were part of a State, the city limits would have been extended long ago, as they have been extended in New York, Philadelphia, Pittsburgh, and Baltimore; but because the District is an entirely different entity from a State, that is not possible. I do not think we should exclude from the privilege of holding judgeships in the District of Columbia courts those who may have practiced here for 25 or 30 years, but who may have moved across the line.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. WILEY. I thoroughly agree with what the Senator has said; but there is one question in my mind which I should like to have cleared up. The term "municipal court" has various connotations. Would the proposed municipal court be a court of general jurisdiction?

Mr. McCARRAN. Yes.

Mr. WILEY. If it were a court of general jurisdiction it would be the same as what we call a circuit or district court in the States. If that be the case, I can very well follow the Senator from Maryland in his argument. If the court were more restricted, and in the nature of a justice court, then I should hold with the sponsor of the bill.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. NORRIS. It seems to me, from a reading of the Senator's amendment, that it covers too much territory. I have knowledge of firms of attorneys in the District of Columbia which also have offices in other cities. I have in mind one firm which has two offices, one in Washington, D. C., and the other in Seattle, Wash. Would it be possible to appoint a member of such a firm as a judge in the District of Columbia, even though he might live in the State of Washington? I can see some reason for including Chevy Chase and some other adjoining places, but it seems to me we ought not to go beyond that.

Mr. TYDINGS. Let me read the provision as it would be if my amendment were adopted:

No person shall be appointed a judge of the Municipal Court for the District of Columbia unless he shall have been actively engaged in the practice of the law in the District of Columbia for a period of 5 years immediately prior to his appointment, or shall have been a judge of one of the courts of the District of Columbia.

I should say that the term "actively engaged" would not include a corresponding attorney. He would have to be in daily active practice in the District of Columbia, with an office in the city.

Mr. NORRIS. I am thinking of an attorney who might retain his residence in New York, let us say, and be a member of a firm practicing law in the District of Columbia. He might spend most of his time here.

Mr. TYDINGS. But if the Senator will permit me to do so, let me say that the amendment provides that—

No person shall be appointed \* \* \* unless he shall have been actively engaged in the practice of the law.

Mr. NORRIS. Yes. Would not that provision include an attorney who, let us assume, was actively engaged in practice here and also actively engaged somewhere else?

Mr. TYDINGS. I should be glad if words could be found to express even more clearly the purpose of my amendment.

Mr. NORRIS. It seems to me that the point I have raised would be covered if the Senator would limit his amendment by providing residence within a certain distance from the District of Columbia.

Mr. TYDINGS. Will the Senator give me his idea of what he thinks would be a fair distance?

Mr. NORRIS. I should want to make the area large enough so as to take in what is in reality the city of Washington.

Mr. TYDINGS. Would a provision "within 5 miles of the District of Columbia" be fair?

Mr. NORRIS. Probably the distance should be a little greater than that. Let us say 10 miles.

Mr. TYDINGS. I, myself, think it should be 10 miles.

Mr. NORRIS. I should think that would accomplish what we have in mind.

Mr. TYDINGS. I am anxious to meet any suggestion that will limit the opportunity under the bill to lawyers who practice in the District of Columbia. The sole purpose of my amendment is to take care of such a situation as I will state. I will take a case which is very favorable to my viewpoint, as most of them are insofar as location is concerned. Let us take the case of a man who lives a quarter of a mile from the District line, who has an office in the District of Columbia, and who has been practicing in the District of Columbia for 25 years. He ranks well as a lawyer, and has been recommended by the Bar Association itself for appointment to one of the judgeships. The Bar Association would like to have him appointed but is told, "No; all lawyers who live in Chevy Chase or across the river in Virginia, or anywhere else outside the District of Columbia are excluded. It is true that the lawyer in question has been an active member of the District Bar for 30 years; but he does not actually have a home in the District of Columbia, and therefore he cannot be eligible for appointment to such a position."

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. OVERTON. I should like to obtain some information from the Senator from Maryland.

Mr. TYDINGS. Certainly, if I am able to answer the Senator's questions.

Mr. OVERTON. Does the Senator know of any State whose law permits of the appointment of a person domiciled outside the State as a judge of one of its courts?

Mr. TYDINGS. No.

Mr. OVERTON. Does the law of Maryland allow such an appointment?

Mr. TYDINGS. No.

Mr. OVERTON. Would not the Senator's argument apply with equal force to a great many cities that are near the border of adjoining States?

Mr. TYDINGS. No. As I pointed out awhile ago—and probably I did not make the point clear—if we take, for example, the city of Baltimore or the city of New Orleans or the city of New York, of course, each of them is a part of a State, and as the population grows the boundaries of those cities are constantly changed; but in the case of the District of Columbia, to all intents and purposes, the boundary lines of the District of Columbia will never change.

Mr. OVERTON. Will the Senator yield again to me?

Mr. TYDINGS. Yes; I yield.

Mr. OVERTON. There are many extra-State lawyers who practice within a State; and I know of no State that, by reason of the fact that lawyers from an adjoining State practice within its borders, permits such lawyers to be appointed to judgeships in any of its courts. If we are to make provision for such appointments, it seems to me there should be some reciprocity.

Mr. TYDINGS. We have only 30 minutes in which to discuss this matter, and I have taken all the time allowed to me.

Mr. OVERTON. I appreciate the fact that the time is limited, but I have not previously spoken regarding it, and I rarely interrupt the Senator from Maryland.

Mr. TYDINGS. That is true.

Mr. OVERTON. I am interested in the matter. It seems to me that there should be some reciprocity, and that Maryland, Virginia, and other States should make provision of similar privileges.

Mr. TYDINGS. That is correct.

Mr. OVERTON. If not, we should follow the same policy we have been following not only in the District of Columbia but throughout the United States.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. TYDINGS. I desire to yield to my generous friend the Senator from Nevada [Mr. McCARRAN], who has allowed me to take a great deal of the 30 minutes available.

I desire to be more than fair. I see a great deal of merit in the point of view of the Senator from Nevada. I think that Senators can quite properly decide the question either way. There is only one question involved. I agree that only lawyers who are actively engaged in practice in the District of Columbia should be appointed to such positions. We are agreed on that point. The difference between us is that the Senator from Nevada would require that lawyers eligible for such appointments actually live in the District of Columbia. Before the amendment is voted upon I shall modify it so as to try to circumscribe the limits beyond Washington proper, in order to afford equal opportunity to all lawyers who really practice and do their work in the District of Columbia. That is all there is to the matter. I am willing to have the question submitted without further argument, and to abide most cheerfully by whatever the best judgment of the Senate may be as to the settlement of the controversy.

Mr. GERRY. Mr. President, will the Senator from Nevada yield to me? I should like to ask a question.

Mr. McCARRAN. Yes; but, of course, we are proceeding under a limit of time.

Mr. GERRY. I am trying to reach a clear understanding of the matter. Do I correctly understand that anyone who is practicing law in the District of Columbia before the Government would be treated as if he were domiciled in the District and would be eligible under the present law?

Mr. McCARRAN. If he lived here and actually practiced here and actually were

bona fide domiciled here, he would be recognized as eligible.

Mr. GERRY. Would it be required that he be domiciled here? His domicile could not be somewhere else?

Mr. McCARRAN. Yes; the District of Columbia must be his place of abode. That is the present law.

Mr. President, I should like to make a short statement. We are dealing with what is the law now and what has been the law for many years. In other words, the men who have already been appointed to such positions were eligible at the time when they were appointed or else they would not have been appointed. They were residents of the District of Columbia; and no one who is not a resident of the District of Columbia would be eligible to appointment to the present court.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McCARRAN. Yes; I yield.

Mr. NORRIS. I dislike to take up any more of the time—

Mr. McCARRAN. That is quite all right.

Mr. NORRIS. But I do not think the Senator should insist upon a vote on the measure after only half an hour of debate. We have not debated at all, as yet, the matter of what the court is to do. If the judges are to be merely municipal judges as we ordinarily understand the term, I do not see any necessity for lifting the domicile requirement unless the judges are to have greater jurisdiction than a municipal judge usually has.

Mr. McCARRAN. By way of explanation, let me say that because of the fact that my good friend the Senator from Maryland [Mr. TYDINGS] is to be called away, to be gone several days, and because I wanted to present the bill in its entirety at a proper time, I brought up the amendment now so that he might present his views at this time. If the Senate should think it best to defer consideration of the entire bill to a later date, that will be satisfactory to me.

Mr. NORRIS. That will be perfectly satisfactory.

Mr. McCARRAN. Yes.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. AUSTIN. I happen to be a member of the committee of which the distinguished Senator from Nevada is chairman and which considered the bill. I desire to point out that the bill has peculiarities which do not obtain in the ordinary case; in fact, I do not think they obtain in any other case. In my judgment, they tend to support the amendment suggested by the Senator from Maryland. One of them is that the municipality of the District of Columbia is different from any other municipality in the United States. It is, and should be, regarded as a part of every State in the Union, for it is the Capital City.

The other peculiarity of the bill is that it not only streamlines the municipal business but it takes away from the United States Court of Appeals for the District of Columbia some of its jurisdiction and sets up an intermediate appellate tribunal which will handle all the appeals which may come from the munic-



ipal court and other courts specified in the bill. These two facts it seems to me, add to the suggestions already made by the Senator from Maryland in support of the amendment which he has offered.

Mr. McCARRAN. Let me say in reply, if I correctly understood the full force of the Senator's remarks, that all of the expenses of maintaining these courts are now and under the bill will be, paid by the courts—not by the Federal Treasury. The courts pay their own way—and more, too.

That is all I have to say on the matter. It can be decided either way, so far as I am concerned; the matter is not of personal interest to me. I believe that lawyers who live in the District of Columbia should have the honors and the responsibilities of the offices that belong to the District of Columbia. That is my view on the subject. I call for a yea-and-nay vote.

Mr. TYDINGS. Mr. President, I should like to modify my amendment before the vote is taken. I should like to offer the amendment so that it would read as follows:

On page 15, beginning with line 16, strike out all down to and including line 19 and insert in lieu thereof the following: "No person shall be appointed a judge of the municipal court for the District of Columbia unless he shall have been actively engaged in the practice of law in the District of Columbia for a period of not less than 5 years immediately prior to his appointment and is living either within or not more than 10 miles from the District of Columbia or shall have been a judge of one of the courts of the District of Columbia."

The only purpose is to confine such appointments to lawyers who ostensibly live and work in the District of Columbia.

I think that in our discussion of the matter we have "covered the water front," and I am perfectly willing to accept the judgment of the Senate.

The PRESIDING OFFICER (Mr. BUNKER in the chair). The question is on the modified amendment offered by the Senator from Maryland [Mr. TYDINGS] to the amendment reported by the committee.

Mr. McCARRAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. LODGE]. I am not advised how he would vote if present. I transfer that pair to the Senator from Illinois [Mr. LUCAS], and will vote. I vote "yea."

Mr. McNARY (when his name was called). On this vote I have a pair with the junior Senator from Pennsylvania [Mr. GUFFEY]. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. TYDINGS. My colleague [Mr. RADCLIFFE] is necessarily absent. If he were present, he would vote "yea."

Mr. DAVIS. I have a general pair with the junior Senator from Kentucky

[Mr. CHANDLER]. I understand that, if present, he would vote as I am about to vote. Therefore, I am at liberty to vote, and vote "yea."

Mr. McNARY. The Senator from Michigan [Mr. VANDENBERG] is absent on official business. He has a general pair with the Senator from Montana [Mr. WHEELER].

The Senator from Indiana [Mr. WILKIS] is necessarily absent.

Mr. AUSTIN. The Senator from Kansas [Mr. REED] has a general pair with the Senator from New York [Mr. WAGNER].

The Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], and the Senator from Massachusetts [Mr. LODGE] are necessarily absent.

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH], the Senator from Utah [Mr. MURDOCK], and the Senator from South Carolina [Mr. SMITH] are absent from the Senate because of illness.

The Senator from Pennsylvania [Mr. GUFFEY] is detained on official business.

The Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senator from Kentucky [Mr. CHANDLER], the Senator from Georgia [Mr. GEORGE], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from West Virginia [Mr. KILGORE], the Senator from Arizona [Mr. McFARLAND], the Senators from New York [Mr. MEAD and Mr. WAGNER], the Senator from Arkansas [Mr. SPENCER], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are necessarily absent.

The Senator from North Carolina [Mr. BAILEY], the Senator from Washington [Mr. BONE], the Senator from Idaho [Mr. CLARK], the Senator from California [Mr. DOWNEY], the Senator from Iowa [Mr. GILLETTE], and the Senator from Montana [Mr. WHEELER] are detained in committee meetings.

Mr. THOMAS of Utah (after having voted in the affirmative). I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from Maryland [Mr. RADCLIFFE] and allow my vote to stand.

The result was announced—yeas 40, nays 23, as follows:

## YEAS—40

Austin	Glass	Nye
Ball	Gurney	Russell
Barbour	Herring	Schwartz
Barkley	Hill	Stewart
Brown	Holman	Taft
Bulow	Hughes	Thomas, Okla.
Byrd	Johnson, Calif.	Thomas, Utah
Caraway	Johnson, Colo.	Tobey
Chavez	McKellar	Tydings
Clark, Mo.	Maloney	Van Nuys
Connally	Maybank	Walsh
Davis	Millikin	Wiley
Doxey	Murray	
Gerry	Norris	

## NAYS—23

Alken	Ellender	Overton
Bankhead	Green	Reynolds
Bilbo	Hayden	Rosier
Brewster	La Follette	Shipstead
Bunker	Langer	Smathers
Burton	McCarran	Thomas, Idaho
Capper	O'Daniel	Tunnell
Danaher	O'Mahoney	

## NOT VOTING—33

Andrews	Guffey	Radcliffe
Bailey	Hatch	Reed
Bone	Kilgore	Smith
Bridges	Lee	Spencer
Brooks	Lodge	Truman
Butler	Lucas	Vandenberg
Chandler	McFarland	Wagner
Clark, Idaho	McNary	Wallgren
Downey	Mead	Wheeler
George	Murdoch	White
Gillette	Pepper	Willis

So Mr. TYDINGS' modified amendment to the committee amendment was agreed to.

Mr. McCARRAN. Mr. President, I now ask unanimous consent that the bill may be temporarily laid aside, so that the regular order of business may proceed. I express my gratitude to the Senator from Tennessee for his courtesy.

## COMPACT WITH RESPECT TO THE WATERS OF THE REPUBLICAN RIVER BASIN

The PRESIDING OFFICER (Mr. BUNKER in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 5945) granting the consent of Congress to a compact entered into by the States of Colorado, Kansas, and Nebraska with respect to the use of the waters of the Republican River Basin, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BANKHEAD. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BANKHEAD, Mr. McCARRAN, Mr. OVERTON, Mr. McNARY, and Mr. JOHNSON of California conferees on the part of the Senate.

## PRODUCTION OF INDUSTRIAL AND SYNTHETIC ALCOHOL AND SYNTHETIC RUBBER

Mr. McKELLAR obtained the floor.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. TYDINGS. Shortly before the bill which has just been laid aside was taken up I had reported from the Committee to Audit and Control the Contingent Expenses of the Senate on behalf of the Senator from Illinois [Mr. LUCAS], a Senate Resolution 224. I suggested that I would ask later for its consideration. The resolution provides for the appointment of a committee to investigate the production of industrial and synthetic alcohol and synthetic rubber, and was originally submitted by the Senator from Iowa [Mr. GILLETTE]. As it will take only a minute, I am confident, to act on the resolution, if it is in order, I ask that it be considered and disposed of now.

The PRESIDING OFFICER. The resolution will be stated for the information of the Senate.

The LEGISLATIVE CLERK. A resolution (S. Res. 224) submitted by Mr. GILLETTE on February 17, 1942, providing for an investigation relative to the production of industrial alcohol, synthetic alcohol, and synthetic rubber, reported with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BARKLEY. Mr. President, reserving the right to object, I desire to ask the Senator from Maryland about the matter.

I understand the committee of which the Senator from Missouri [Mr. TRUMAN] is chairman has been and is now conducting an investigation with respect to the rubber situation. What is the need for another committee to do the same thing? It strikes me—and I say this not to affect this particular resolution—that we are liable to get into a situation where we are appointing too many committees to investigate too many things and a number of them covering the same territory.

I have had it in my mind—and I so suggested to the Senator from Iowa [Mr. GILLETTE] a few days ago in personal conversation—that this particular resolution is one of those which might involve duplication. Aside from the expense involved, which is not great, there is the matter of confusion and diversity of opinion that may arise from two committees investigating the same thing. What is the situation in that regard?

Mr. TYDINGS. The situation is that the Senate already has passed upon the substance of the resolution, and after the Senate adopted it the resolution then went to the Committee to Audit and Control the Contingent Expenses of the Senate. The sole function of that committee was to confine the resolution insofar as the money involved is concerned.

Mr. BARKLEY. I am not certain that the Senator states the situation accurately. The procedure here regarding an investigatory resolution is, first, that the resolution shall go to the appropriate committee, and then be reported by such committee.

Mr. TYDINGS. That is correct.

Mr. BARKLEY. Then it is referred to the Committee to Audit and Control the Contingent Expenses of the Senate without action on the part of the Senate on the resolution itself. So the function of the Committee to Audit and Control is not merely to decide about the amount of money to be appropriated, but to report the resolution to the Senate with a recommendation one way or the other. It is not quite accurate to say that the Senate has adopted the resolution merely by referring it to the Committee to Audit and Control the Contingent Expenses of the Senate. I desire to obtain information as to why this particular investigation is needed, in addition to the one being conducted by the Senator from Missouri [Mr. TRUMAN], chairman of the Committee to Investigate Defense Activities.

Mr. GILLETTE. In response to the very natural and proper inquiry of the distinguished majority leader, I may say that the resolution which I offered and which has been before these committees, was submitted before I had any information of any action taken by the Truman committee. After the resolution had been submitted I took occasion to discuss the matter with the distinguished chairman of the Truman committee,

which committee, as the Senator from Kentucky knows, has been doing superb work. The Senator from Missouri told me of a subcommittee which had been appointed with my own colleague, the junior Senator from Iowa [Mr. HERRING], as chairman. We discussed the phases of the work his committee is doing, which is a grand work, and also the phase of the work contemplated by my resolution, which was reported unanimously by the Senate Committee on Agriculture and Forestry. It was the opinion of both of us that the latter resolution covered enough of a different field so that there would be no overlapping whatever, that it would be supplemental, and the utilization of grains and other agricultural products in the manufacture of alcohol, and, incidentally, the possible manufacture, ultimately, of rubber, put it into such a widely different category that there would be no conflict, no overlapping whatever, in the work of the committees.

Mr. BARKLEY. The Senator from Missouri is not on the floor at the moment. I should like to have this matter go over until I can confer with him.

Mr. GILLETTE. Of course, that is proper.

Mr. TYDINGS. I withdraw the request for the consideration of the resolution.

#### FIFTH SUPPLEMENTAL DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 6611) making additional appropriations for the national defense for the fiscal year ending June 30, 1942, and for other purposes.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment; and that committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McKELLAR. Mr. President, I may say to the Senate that this is the largest appropriation bill ever reported by any committee and larger than any ever passed by this or any other body, for the Committee on Appropriations has increased the bill as it passed the House by about \$500,000,000 plus.

The Senate committee added to the House appropriation \$691,836,000, so that the amount recommended, as reported to the Senate, is \$30,412,737,900. To that sum must be added the contract authorizations in the bill, amounting to \$2,350,000,000, which will make the total, including the contract authorizations, \$32,762,737,900, or approximately \$33,000,000,000. No such sum was ever authorized for war or peacetime expenditure by the government of any nation which has ever existed on the face of the earth, so far as I have been able to ascertain.

The principal items of expenditure are as follows:

For the War Department, as per Budget estimates submitted in House Document No. 615, \$22,888,901,900, and

as submitted in Senate Document No. 184, \$596,836,000, making appropriations in all for the War Department of \$23,485,737,900.

Mr. President, this is the amount which is carried in the bill for military purposes, under the War Department, and is entirely for the procurement of equipment and facilities for expediting production.

As a break-down of this enormous appropriation, I give the following:

Expediting production, \$3,011,512,000.

For the subsistence of the Army—that is, of the increasing Army—\$145,813,000.

Regular supplies for the Army, \$67,982,000.

Clothing and equipage, \$1,525,764,000.

Army transportation, \$2,245,701,000.

Horses, draft, and pack animals, \$2,725,900.

Signal Service of the Army, \$1,349,000,000.

Air Corps of the Army, \$167,440,000.

I may say at this point that the Air Corps, it will be recalled, received a very large appropriation a short time ago, in the month of December, and this appropriation is only for parts, and some of the activities of the corps.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McNARY. I do not desire to propound a question which has any relation to the substance of the bill, but my interrogatory is more in the nature of an inquiry as to procedure. Is it the intention of the Senator to proceed to final disposition of the bill today?

Mr. McKELLAR. No; it is not.

Mr. McNARY. That being the answer—and I know it is a correct one—should we not merely take the bill up and then adjourn to Monday, and have the Senator's statement made on Monday, when we are ready to act?

Mr. McKELLAR. I think it would be better to have in the Record the figures I am giving, so that Senators may read them tomorrow, and I hope the Senator will permit me to proceed along that line.

Mr. McNARY. I had not intended to interpose an objection; I was merely making a suggestion in the interest of orderly procedure.

Mr. McKELLAR. These figures are so important that I think they should be considered by Senators during the recess between now and Monday, as I understand our leaders intend to let the bill go over.

The next item is for medical and hospital department, \$171,178,000; engineer service of the Army, \$1,226,300,000.

The next is the largest item:

Ordnance service and supplies of the Army, \$13,252,200,000; chemical warfare service, \$288,336,000; seacoast defenses, \$31,769,000; amount, in all, for the War Department, \$23,485,737,900.

Mr. NORRIS. Mr. President, cannot the Senator give us a break-down of that largest item?

Mr. McKELLAR. The details of the item were discussed before the committee, and off the record. What was said in that regard does not appear in the



report of the hearings. It was thought better by those in charge of the Ordnance service of the Army not to make the details public at this time.

Mr. NORRIS. I do not find fault with that.

Mr. McKELLAR. The appropriation covers some 278 different items. The officials of the Army made a very full statement but it was off the record.

Mr. NORRIS. Would it violate any confidential information the Senator has if he should give us some idea about the air force of the Army?

Mr. McKELLAR. The air force does not come under this appropriation, except incidentally.

Mr. NORRIS. Are they involved in that item?

Mr. McKELLAR. In the bill there is a very small amount appropriated for that service, so that it is not a matter of importance in connection with this measure.

Mr. NORRIS. Has enough been appropriated for the air force?

Mr. McKELLAR. Oh, yes. I shall come to that a little later, and I think I can give the Senator the information he desires without violating any of the secrets of the Department.

As our report states:

For military reasons, details as to the types and quantities of articles to be secured are withheld. However, it is fair to say that they embrace every type of munition and every type of article for which a soldier has use.

In other words, the plan is very thorough and comprehensive all along the line. The amounts allowed provide for essential and critical items of equipment for a force of approximately 3,600,000 men.

Naturally, it is necessary to appropriate a large sum for expediting production, and that is one of the largest items in the break-down I have just given. It is the second largest item, and amounts to over \$3,000,000,000. From the evidence presented to us it was found to be absolutely necessary to provide these large sums in order to put to work in making Army equipment plants which are now not making such equipment. I am sure the Senate will understand that. Many factories had to be changed from peacetime factories to factories producing war materials. This is all necessary if we are to carry forward the proposal of the Commander in Chief of the Army and Navy. I am glad new plants are being built, and that peacetime plants are being changed into wartime plants for military purposes.

I shall illustrate what our Army is doing. The Senator from Nebraska [Mr. NORRIS] asked for some details with respect to airplanes. At the beginning of the program—and I ask Senators to keep the figures in mind—there were only 14 great concerns engaged in the manufacture of airplanes in the United States. That number has increased to 41, and the number will be further increased as necessities arise. Provision for airplane-manufacturing facilities was made in the fourth supplemental defense appropriation, 1942, which was passed in January last.

The other items are, subsistence for the Army, regular supplies, clothing and

equipment, Army transportation, horses, draft, and pack animals, Signal Service of the Army, Air Corps, Army medical and hospital department, engineer service—all items which must be supplied for the ever increasing Army.

For ordnance service and supplies \$13,252,200,000 are appropriated. That is an enormous sum, but it is absolutely necessary, so our experts and Army officers claim, if we are to obtain the necessary big guns, machine guns, small arms, rifles, and ordnance of every kind for the increased Army.

Our program is progressing splendidly, but many of the appropriations in the bill are for the increased Army.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. NORRIS. I wish to ask the Senator when these sums will be available.

Mr. McKELLAR. They will be available immediately. The testimony is that all the sums embraced in this appropriation of practically \$33,000,000,000 will be translated into equipment and supplies, guns of every kind, artillery of every kind, small arms, ammunition, whatever is necessary to carry on the war. The testimony is that all the sums provided for in the bill will be translated into actual materials for war during the present year, that is, by the first of January 1943, with one exception, and that exception is that as to some of the very large guns, it will take until about the first of April 1943 to translate the money provided for them into actual guns ready for use.

The Chemical Warfare Service gets a large portion of this appropriation, and it was shown to us that this was necessary.

Our seacoast defenses likewise are of great importance at this time, and are being provided for by \$31,769,000.

I am very happy to state that the witnesses who appeared before the committee advised us that all this enormous sum of money would be expended for the purposes stated, and the production completed, as I stated a while ago, by January 1, 1943, with the exception of some large guns, which will be delivered by April 1, 1943.

Mr. President, the sum of money represented by the bill is tremendous, but if we are to continue the struggle and win this war, which it is absolutely necessary for us to do, and which we are going to do, there is no other way to accomplish that end.

I may add that the committee recommended that the amount for clothing and equipment be increased from \$928,928,000 by the additional sum of \$596,836,000. The additional amount is requested so as to provide basic cloths, duck, webbing, and the like, to meet the needs of the ever-increasing Army.

In addition to the foregoing, the bill contains an appropriation of \$1,502,000,000 cash and \$2,350,000,000 in contract authorizations to build new ships for the Maritime Commission. The new program calls for 1,476 ships, to be built at a total cost of \$3,850,000,000. I stated that the money provided for war supplies would be translated into supplies by January 1, 1943. I should explain

that the money for ships will not all be translated into ships by that date, but the ships are being built as rapidly as possible. The total program of ships to be built for the United States Maritime Commission calls for 2,877 ships, with an aggregate net weight tonnage of 30,834,421 tons. These ships are absolutely necessary for our successful war effort. Excellent progress, I can say, is being made in the building of these ships.

#### LEASE-LEND PROGRAM

The lend-lease program has production estimates of \$5,430,000,000. Representatives of the lease-lend organization came before the committee and advised us that all the \$12,985,000,000 already appropriated for lend-lease purposes has been allocated, that it was necessary to continue this program, and the committee recommends that provision of the bill.

The committee also recommended an increase in connection with lend-lease of \$95,000,000 to furnish depots, which are claimed by Mr. Stettinius to be necessary in order to protect the goods already manufactured and ready for transportation. The committee thought he was correct in that conclusion.

Mr. President, the Army officials who appeared gave our committee, off the record, very clear and convincing statements as to the remarkable production of war materials. They told us that our aircraft production was increasing monthly at an excellent rate. These official reports were most encouraging. So were the reports dealing with ordnance, and the production of other war materials and supplies. In one or two instances production was slightly behind the expected rate, and in some instances production was ahead of the expected rate. The two instances in which they were probably behind were not of the most consequential kind.

Mr. President, it is indeed true that we are spending a vast amount of money. If we consider what we have appropriated since January 5 down to date it will be seen that we have appropriated \$67,000,000,000 in 2 months.

I submit a statement of the appropriations under the various bills that have been passed in January and February of 1942 as follows:

Naval Appropriation Act.	\$23,738,865,474.00
Fourth supplemental national defense, 1942	12,556,672,474.00
First deficiency, 1942	163,780,819.77
China relief	500,000,000.00
Fifth supplemental national defense, 1942, as reported to the Senate	30,412,737,900.00

Total..... 67,372,056,667.77

Naturally, Mr. President, these tremendous sums are frightening. However, war has been declared against us, and our Army and Navy experts and our Commander in Chief have recommended these expenditures as being proper in order to win the war, and the committee feels that we must uphold them to the last degree.

The committee also feels that we must not take any chances. We are willing to cut down on nondefense appropriations, and we expect to do so, but so far as the military, naval, and Air Corps expenditures are concerned our committee feels that we must follow the recommenda-

tions of those in charge of our Army, Navy, and air forces.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. LA FOLLETTE. I have been very much interested in the statement made by the Senator from Tennessee regarding this record-breaking appropriation bill. I should like to ask him if the committee has obtained any figures to show the status of past appropriations which have already been made by the Congress? By that I mean, can the Senator give the figures, for example, for the War Department, showing the total amount of appropriations which it has received, what proportion of the appropriations has been allocated, what proportion has been contracted for, and what proportion has been expended?

Mr. McKELLAR. Mr. President, in answer to the Senator's question I think I will first answer as to the total appropriations for war purposes. The amount up to date, in round figures, is \$142,000,000,000.

Mr. LA FOLLETTE. Does that include contract authorizations?

Mr. McKELLAR. That includes contract authorizations. By January 31, 1942, we had already expended \$16,616,000,000. I need not give other than round figures. From February 1 to June 30, 1942, we will expend \$13,684,000,000. For the fiscal year 1943 the figure is \$52,800,000,000. That makes a total of \$83,000,000,000 in round numbers. For the period subsequent to 1943 the figure is \$58,904,000,000, making a total of approximately \$142,000,000,000. That includes the War Department, the Navy Department, and various other departments.

Mr. LA FOLLETTE. I thought perhaps the figures were broken down; but even if they are not, the over-all figure is of great interest to me.

Mr. McKELLAR. It should be of great interest to us all, because it is an enormous figure. These appropriations are being translated into war materials of every kind and description and into war activities as fast as it is humanly possible to do so. To my mind the figures are very enlightening.

In answer to questions by the committee it developed that, with the exception of a reasonably small portion for heavy guns, it is expected that during the present year the enormous sum of \$33,000,000,000 will be fashioned into implements and services of war. It is quite remarkable that such a program is under way, and that it is felt it can be accomplished.

Mr. NYE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. NYE. When the Senator speaks of the present year he means the calendar year, does he not?

Mr. McKELLAR. I am talking about the calendar year. In speaking of materials, I refer to materials largely for the Army. The same thing is true of the lend-lease expenditures provided in the bill, which are more than \$5,000,000,000. All of that is expected to be used during the present calendar year.

For the building of ships by the Maritime Commission, under the direction of Admiral Land, \$3,850,000,000 is carried in the pending bill. Of course, we all know that that cannot all be expended during the present calendar year. Many things might come up to slow down that program; but, in my judgment, Admiral Land is proceeding as rapidly, vigorously, and actively as a man could.

Mr. NYE. Mr. President, will the Senator yield for the purpose of further clarifying the record?

Mr. McKELLAR. I yield.

Mr. NYE. The Senator from Tennessee spoke of the total appropriations for this war as being in the neighborhood of \$142,000,000,000.

Mr. McKELLAR. That is correct.

Mr. NYE. Is it not fair to say that the total appropriations for this war, starting with the fiscal year 1941, has been \$142,000,000,000?

Mr. McKELLAR. In that neighborhood.

Mr. NYE. The total of \$142,000,000,000 traces from the fiscal year 1941, does it not?

Mr. McKELLAR. Of course, the Senator must remember that that figure includes 1943 appropriations, a large amount of which will not be available until July 1, 1943.

Mr. NYE. But the total of \$142,000,000,000 of which the Senator speaks is for appropriations beginning with the fiscal year 1941, is it not?

Mr. McKELLAR. I do not believe I understand the question.

Mr. LA FOLLETTE. The Senator has kindly loaned me his penciled memorandum. It says, "\$142,000,000,000 in round numbers, total appropriations, contracts, and pending estimates for 1941, 1942, and 1943."

Mr. McKELLAR. It includes all three.

Mr. NYE. That was what I wanted to establish.

Mr. LA FOLLETTE. Mr. President, if the Senator from Tennessee has concluded, I should like to say a few words.

Mr. McKELLAR. I have finished, unless some other Senator wishes to ask a question.

Mr. LA FOLLETTE. Mr. President, although this measure is not to be disposed of today, I wish to make a few observations concerning it.

It may be recalled by some of the Senators present that on other occasions when we have had astronomical war or defense appropriation bills under consideration I have indicated that great caution should be observed by the Congress in granting appropriations unless it could be assured that they would be expended within a reasonable length of time. My position is justified on several grounds. The country—and perhaps even the Congress itself—is lulled into a condition which I might describe as complacency by the fact that enormous sums of money have been and are being appropriated constantly for war materials. Mr. President, appropriations will not win this war. The only way in which we can win is by the translation of the appropriations into actual production and the delivery of war materials into the hands of our own

forces and the fighting personnel of those who are associated with us in this war on the battle fronts.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. I am very frank to say that when we went into the hearings I had similar views to those which the Senator from Wisconsin has just expressed; but upon going into the details as to what is actually being done I am compelled to believe that our officials are doing everything humanly possible to translate the appropriations into war materials as rapidly as possible for the purpose of winning the war. I found no evidence indicating that that was not being done. I am sure that if the Senator had been present and had heard every word of the testimony, as I heard it, he would have come to the same conclusion.

I can understand how the Senator feels about the matter, because these are large sums. It was welcome news to me when we were assured that even as to the enormous sum of \$23,000,000,000 for the Army, it was expected to be translated during the present year into materials for winning this war.

Mr. LA FOLLETTE. Mr. President, I hope that nothing I have said will give any indication of an expression of feeling on my part that those responsible for the expenditure of these moneys have not been making a conscientious effort to spend them properly and promptly. The only thing I wish to say is that based upon our experience up to date, so far as it has been revealed to all Members of Congress, there has been much evidence that we have been appropriating money which has not been spent because of the bottlenecks in production. I shall not take the time to do so, but any Senator who will go back and read the last lend-lease report will find that, although Congress had appropriated many billion dollars for lend-lease purposes, only an infinitesimal part of it had been translated into materials which had been exported to Great Britain, the principal beneficiary of our lend-lease policy. I realize that expansion of productive facilities is going on each month. I realize that more and more existing facilities are being converted to war production purposes. Nevertheless, Mr. President, I am not relieved of my apprehension that we are appropriating vast sums of money which we may find to our sorrow have not been expended and translated into war goods as anticipated, although I wish to say that, as the Senator from Tennessee well knows, I have great confidence in his judgment. It is somewhat reassuring to me to have him say that the off-the-record testimony before his committee has allayed his apprehensions in this respect. That is just one phase of it.

The second phase, which has been of grave concern to me, and to which I have heretofore referred, is that in time of war it becomes necessary for the Congress to surrender great segments of power into the hands of the Executive for the prosecution of the war. I recognize that. I do not begrudge the sur-



render of all the powers which are actually essential to the conduct of the war. However, as one who desires above all else, when this holocaust shall have come to a conclusion, to see the preservation of the democratic process in the United States, I have endeavored to the best of my ability to caution my colleagues about surrendering any more power than is essential to the conduct of the war, or surrendering power in advance of the actual necessity of its exercise by the Executive. There is burned into my memory the difficulty which was encountered, and in some respects the futile efforts of those who, after the last World War, sought to wipe from the statute books legislation which had conferred power upon the Executive for the conduct of that war.

There is one power which the Congress does not have to surrender, and that is the power over the purse strings. Congress does not have to appropriate more money than is necessary or than would be spent in a reasonable length of time in the future. I desire to say, Mr. President, that it is my firm conviction that Congress has already built up a huge backlog of appropriations sufficient, if Congress were not to appropriate another dollar of money, to run the war for a considerable period of time.

With all that I have said I want to hasten to add that I shall not oppose the pending bill. How could one Senator—especially one not a member of the committee and not having the privilege of hearing the testimony, such as it was, either on or off the record—be in position to offer any specific proposals in relation to such proposed legislation? I think it is clear that there is nothing that such a Senator could do in that respect; and I shall support the bill. But I want at least to have upon the record for my own satisfaction my own apprehension that, in the first place, much of the money we are appropriating will not be translated into materials of war as rapidly as is anticipated; and, in the second place, that Congress is unnecessarily stripping itself of power by the appropriation of these vast sums of money which place the Executive in such a position that it is not necessary to give an accounting to the Congress for some time to come.

In this connection, Mr. President, while I realize that the comparison is perhaps not of too great value, I should like to point out that in the first 2 years of the present war Great Britain paid out \$22,800,000,000 in direct expenditures for war. In addition, the rest of the British Empire and the Dominions contributed about \$4,000,000,000 to the war effort. At the end of the present fiscal year, March 31, 1942, the direct expenditures of all the British Empire and Dominions, excluding our own lend-lease supplies, will have reached perhaps approximately \$35,000,000,000. Mr. President, I am not offering these figures for the purpose of making any invidious comparison, but I am trying to point out that the British Empire has found it possible, since the beginning of actual warfare, to expend only approximately

\$35,000,000,000. In the light of that fact, our astronomical appropriations and contract authorizations, which already mount up, since the 1st of July 1940, to more than \$142,000,000,000, should be some indication that we are creating a dangerous backlog of appropriations over which the Congress has no direct future control.

Mr. President, one other thing I should like to point out is that recently—in fact, on February 23, 1942—the Executive announced an agreement which had been entered into between the executive branch of this Government and His Majesty's Government. I desire to read article VII of the agreement:

In the final determination of the benefits to be provided to the United States of America by the Government of the United Kingdom in return for aid furnished under the act of Congress of March 11, 1941, the terms and conditions thereof shall be such as not to burden commerce between the two countries but to promote mutually advantageous economic relations between them and the betterment of world-wide economic relations. To that end, they shall include provision for agreed action by the United States of America and the United Kingdom, open to participation by all other countries of like mind, directed to the expansion, by appropriate international and domestic measures, of production, employment, and the exchange and consumption of goods, which are the material foundations of the liberty and welfare of all peoples; to the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers; and, in general, to the attainment of all the economic objectives set forth in the joint declaration made on August 12, 1941—

That is the so-called Atlantic Treaty—by the President of the United States of America and the Prime Minister of the United Kingdom.

I am not proposing to take up the agreement for any critical discussion at this time, but I wish to point out in connection with the pending appropriation bill that it seems clear from the agreement and, especially from article VII, that, insofar as the persons who sat down to negotiate and who ultimately signed the agreement are concerned, it is not contemplated, now or in the future, that Great Britain shall make any payment or repayment of any moneys which have been advanced to her in the form of matériel under the lend-lease program. Such moneys will amount to \$18,410,000,000, when we shall have passed the pending bill. According to the committee's report, \$12,985,000,000 has been previously appropriated, and in the pending bill there is provided an additional \$5,425,000,000.

I point out in this connection that in considering the astronomical character of these appropriations we should bear in mind that, so far as \$18,410,000,000 of the \$142,000,000,000 are concerned, the Executive has entered into an agreement which to all intents and purposes provides that the countries receiving the money shall never be called upon to repay those huge sums. This fact causes me, Mr. President, to express the hope that perhaps some day we shall be able to negotiate an instrument which will be as generous to the present generation

and to the oncoming generations in the United States of America as the Executive is proposing to be generous to the beneficiaries under the lend-lease program. If the British empire can never repay the gigantic sums which have been advanced to her under the lend-lease program, how can we expect to fry even greater sums out of the hides of this and future generations in the United States of America?

I know that statistical examples are not too helpful; but we have gotten so far up in the stratosphere of appropriations that, so far as I am concerned, my hermetically sealed mathematical airplane has begun to leak, and I have the "bends," so far as these sums of money are concerned. Just now I had someone figure out for me a few little comparisons regarding the sum of \$150,000,000,000. I thought I should use that figure because I was afraid that the Appropriations Committee or some Senator on the floor of the Senate would lift the \$142,000,000,000 to \$150,000,000,000 before I could have the calculations made. If the sum of \$150,000,000,000 were in \$100 bills, and if it were counted at the rate of one per second, and if the process of counting were continuous it would take 47½ years to count the \$150,000,000,000. If \$150,000,000,000 in \$1 bills were laid end to end it would make approximately 60 rows of \$1 bills between the earth and the moon. If the \$150,000,000,000 were put into the form of \$20 bills a 45-foot highway between New York and San Francisco could be paved with the bills.

Mr. President, the sooner we find out that we cannot defeat our brutal and tough enemies with anything except superior firepower and superior concentration of forces, the better off it will be for the people of the United States and those with whom we are associated in the war. Paper appropriations will not win the war; speeches will not win the war; radio propaganda will not win the war.

I shall support the bill, and I suppose I shall support other bills which may come along. I am in the situation where I cannot refuse my consent when the executive branch of the Government responsible for the expenditures asks for them, even though I am not privileged to read the testimony because most of it is off the record. Nevertheless, Mr. President, I want to urge again upon the committees of Congress, and especially those of the Senate that are concerned with these matters, that they insist upon having from the responsible officials to whom these astronomical sums of money have been provided monthly reports as to how they are translating the appropriations into actual matériel of war. I urge that no future appropriations be granted until the sums previously provided by Congress be broken down so as to show, insofar as secret military information is not disclosed, an itemized listing of backlogs of unexpended appropriations, including amounts allocated by purpose but not contracted for production, and amounts allocated and contracted but not in the process of production because of backlogs in orders.

Let us not be lulled into complacency by the fact that we have exceeded the

record of all governments in the written history of the world in appropriating money for war purposes.

#### JAPANESE IN THE UNITED STATES

Mr. STEWART. Mr. President, I wish to speak for a few minutes on an entirely different subject than the one now pending. I understand that the appropriation bill is not to be proceeded with further today?

Mr. BARKLEY. That is correct; yes.

Mr. STEWART. Mr. President, I think the time has arrived when we should deal sternly with the Japanese in this country. If we do not, we may come to grief. I have, therefore, introduced a bill which has for its purposes the incarceration of all Japanese in the United States and its Territories.

There are within this country, especially in the States on the west coast and in some of our island possessions such as Hawaii, many thousands of Japanese who were born on American soil, and for that reason, under the first clause of the fourteenth amendment of the Constitution of the United States, claim citizenship. The first clause of the fourteenth amendment provides that all persons born in the United States are citizens of the United States, provided they are subject to the jurisdiction thereof.

It is my belief that Japanese born on American soil should not be allowed citizenship within the meaning of the fourteenth amendment, because they are not "subject to the jurisdiction" in the sense that the amendment intends. Their parents could not have become naturalized under the laws of the United States, and it seems absurd to claim that those whose parents could not themselves become naturalized should become citizens by the mere accident of birth on American soil. Furthermore, under the Japanese law, every person whose father is Japanese is a subject of the Emperor and a citizen of Japan. We have, therefore, the question of dual citizenship to contend with if we permit American citizenship by reason of birth on American soil.

America is at war and will have to fight to the bitter end. The Japanese are among our worst enemies. They are cowardly and immoral. They are different from Americans in every conceivable way, and no Japanese who ever lived anywhere should have a right to claim American citizenship. A Jap is a Jap anywhere you find him, and his taking the oath of allegiance to this country would not help, even if he should be permitted to do so. They do not believe in God and have no respect for an oath. They have been plotting for years against the Americas and their democracies.

It is my belief that one Jap at large in this country or its possessions is a threat to the defense program of America.

I introduced the bill to which I have referred last Thursday, February 19, and on Saturday morning thereafter I was delighted to read in the newspapers that the President of the United States had issued an Executive order giving full wartime authority to remove any and all persons, even American citizens, from any

area he might wish. We are given to understand that this action is aimed principally at the Japanese. This is a wise step. Many Japs live near our oil-reserve properties, naval bases, and factories which manufacture defense materials.

My bill, which is S. 2293, directs the Secretary of War to take into custody and restrain, to the extent by him deemed necessary in the interest of national defense, any person who is considered by the laws of any foreign power with whom we are at war to be a citizen of such nation and is of a race or nationality ineligible to naturalization in the United States. The bill, therefore, is directed at the Japanese and raises directly the question of its constitutionality under the fourteenth amendment of the Constitution and, specifically, the first clause thereof which provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

As is known by most lawyers, the Supreme Court of the United States, by a divided Court, has held that a child born in the United States of parents of Chinese descent, who at the time of his birth are Chinese subjects but have a permanent domicile and residence in the United States and are carrying on a business and not employed in any diplomatic or official capacity for the Chinese Government, becomes at the time of his birth a citizen of the United States under the first clause of the fourteenth amendment of the Constitution.

The case to which I refer is styled United States against Wong Kim Ark, and is reported in volume 169, United States Reports, page 649 et seq. It involves a young Chinese boy who was born in California, who returned to China for a temporary visit with intention of returning to the United States and who did return to the United States but was refused admission by the collector of customs, whereupon habeas corpus was sued out. This was in 1897, 45 years ago. The Supreme Court turned to the common law and its principles and history, and interpreted the first clause of the fourteenth amendment in that light.

The case is quite interesting in view of present-day developments. The opinion of the majority was written by Mr. Justice Gray. There was a dissenting opinion written by the then Chief Justice, Mr. Fuller, and concurred in by Justice Harlan. Justice McKenna, who had just come to the bench, did not participate—thus a six-judge opinion became the law.

The majority opinion, in interpreting the exclusion clause of the fourteenth amendment—that is, "subject to the jurisdiction thereof"—held it to mean only those born of alien enemies in hostile occupation and children of diplomatic representatives of a foreign state. This is a narrow construction, and one that should not obtain. As I have already stated, a Jap born on our soil is a subject of Japan under Japanese law; therefore, he owes allegiance to Japan, and, so owing allegiance to Japan, certainly he is not "subject to the jurisdiction" of the United

States under a proper construction and in the light of modern beliefs.

I should like to quote briefly from the dissenting opinion in the Wong Kim Ark case. I think the reasoning there is much sounder than in the majority opinion and ought to be the law. At the beginning of the opinion, the Chief Justice states:

I cannot concur in the opinion and judgment of the court in this case.

The proposition is that a child born in this country of parents who were not citizens of the United States, and under the laws of their own country and of the United States could not become such—as was the fact from the beginning of the Government in respect of the class of aliens to which the parents in this instance belonged—is, from the moment of his birth a citizen of the United States, by virtue of the first clause of the fourteenth amendment, any act of Congress to the contrary notwithstanding.

The argument is, that although the Constitution prior to that amendment nowhere attempted to define the words "citizens of the United States" and "natural-born citizens" as used therein, yet that it must be interpreted in the light of the English common law rule which made the place of birth the criterion of nationality; that that rule was in force in all the English colonies upon this continent down to the time of the Declaration of Independence, and in the United States afterward, and continued to prevail under the Constitution as originally established; and that before the enactment of the Civil Rights Act of 1866 and the adoption of the constitutional amendment, all white persons, at least, born within the sovereignty of the United States, whether children of citizens or of foreigners, excepting only children of ambassadors or public ministers of a foreign government, were native-born citizens of the United States.

Thus the fourteenth amendment is held to be merely declaratory except that it brings all persons, irrespective of color, within the scope of the alleged rule, and puts that rule beyond the control of the legislative power.

If the conclusion of the majority opinion is correct, then the children of citizens of the United States, who have been born abroad since July 28, 1868, when the amendment was declared ratified, were, and are, aliens, unless they have, or shall on attaining majority become citizens by naturalization in the United States; and no statutory provision to the contrary is of any force or effect. And children who are aliens by descent, but born on our soil, are exempted from the exercise of the power to exclude or to expel aliens, or any class of aliens, so often maintained by this court, an exemption apparently disregarded by the acts in respect of the exclusion of persons of Chinese descent.

The soundness of the dissenting opinion is repeatedly shown. Applying it, or at least parts of it, to conditions of today, it seems almost prophetic. Discussing the application of common-law principles in construing the first clause of the fourteenth amendment and as a reply to the majority opinion, I quote from the dissent:

Obviously, where the Constitution deals with common-law rights and uses common-law phraseology, its language should be read in the light of the common law; but when the question arises as to what constitutes citizenship of the Nation, involving as it does international relations, and political as contradistinguished from civil status, international principles must be considered, and, unless the municipal law of England appears to have been affirmatively accepted, it cannot



be allowed to control in the matter of construction.

Nationality is essentially a political idea, and belongs to the sphere of public law. Hence Mr. Justice Story, in *Shanks v. Dupont* (3 Pet. 242, 248), said that the incapacities of *femes covert*, at common law, "do not reach their political rights, nor prevent their acquiring or losing a national character. Those political rights do not stand upon the mere doctrines of municipal law, applicable to ordinary transactions, but stand upon the more general principles of the law of nations."

Twiss, in his work on the Law of Nations, says that—

Natural allegiance, or the obligation of perpetual obedience to the government of a country, wherein a man may happen to have been born, which he cannot forfeit, or cancel, or vary by any change of time, or place, or circumstance in the law of nations, as it is in direct conflict with the incontestable rule of that law (vol. 1, p. 231).

The dissenting opinion goes on to discuss the matter of natural-born citizens and points out that society cannot exist and perpetuate itself otherwise than by the children of the citizens. Here quoting from Vattel:

Before the revolution, the views of the publicists had been thus put by Vattel: "The natives, or natural-born citizens, are those born in the country, of parents who are citizens. As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this, in consequence of what it owes to its own preservation; and it is presumed, as matter of course, that each citizen, on entering into society, reserves to his children the right of becoming members of it. The country of the fathers is therefore that of the children; and these become true citizens merely by their tacit consent. We shall soon see whether, on their coming to the years of discretion, they may renounce their right, and what they owe to the society in which they were born. I say that, in order to be of the country, it is necessary that a person be born of a father who is a citizen; for, if he is born thereof a foreigner, it will be only the place of his birth, and not his country" (book I, ch. 19, No. 212). "The true bond which connects the child with the body politic is not the matter of an inanimate piece of land, but the moral relations of his parentage. The place of birth produces no change in the rule that children follow the condition of their fathers, for it is not naturally the place of birth that gives rights, but extraction.

To the same effect are the modern writers, as, for instance, Bar, who says:

To what nation a person belongs is by the laws of all nations closely dependent on descent; it is almost a universal rule that the citizenship of the parents determines it—that of the father where children are lawful, and where they are bastards that of their mother, without regard to the place of their birth; and that must necessarily be recognized as the correct canon, since nationality is in its essence dependent on descent" (International Law, No. 31).

Good sense, patriotism, public policy, even self-preservation demand that all persons who become citizens of the United States should first sever the ties, whatever they might be, that bind them to any other nation. Certainly the Japanese law which provides that all Japs are the Emperor's subjects is a tie to all Japanese.

Concluding the dissenting opinion, Chief Justice Fuller states:

It is not to be admitted that the children of persons so situated become citizens by the accident of birth. On the contrary, I am of opinion that the President and Senate by treaty, and the Congress by naturalization, have the power, notwithstanding the fourteenth amendment, to prescribe that all persons of a particular race, or their children, cannot become citizens, and that it results that the consent to allow such persons to come into and reside within our geographical limits does not carry with it the imposition of citizenship upon children born to them while in this country under such consent, in spite of treaty and statute.

In other words, the fourteenth amendment does not exclude from citizenship by birth children born in the United States of parents permanently located therein and who might themselves become citizens; nor, on the other hand, does it arbitrarily make citizens of children born in the United States of parents who, according to the will of their native government and of this Government, are and must remain aliens.

I am calling attention to this Wong Kim Ark case because it ought to be reversed or overruled. It is not good, sound law, and never was. No country should so fetter itself by laws that it cannot prosper and grow and be under the complete control of its actual, bona fide citizens who love it and cherish its institutions, and such full and complete control should be demanded and retained by them.

The presence of Japanese in America is inimical to the interests of the people. We should oust them from our land, and now is the opportune time. They do not share the views of Americans; our social, political, and religious views are as different and as far apart as is the East from the West. In fact, this is a case of "never the twain shall meet." Their customs are not our customs, and ours can never be theirs. They retain allegiance to Japan, and we must deal with them accordingly.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Tennessee yield?

Mr. STEWART. I yield.

Mr. JOHNSON of Colorado. In his discussion of the Japanese situation, which is very informative from a legal point of view, the Senator made reference to the President's order or proclamation giving the Army control of citizens who it is thought are dangerous when at large.

Mr. STEWART. Those residing in certain strategic areas; yes.

Mr. JOHNSON of Colorado. I presume the Senator has made a study of the order, and I wish to ask him a question. Many of the farmers in Colorado, Wyoming, and other States interested in the culture of sugar beets, have been greatly disturbed lately by reports that the Japanese were to be brought from California and used as laborers in beet culture. Does the Senator understand that there is any possible broad application of the President's order which would permit such a thing as that?

Mr. STEWART. I have not made a careful study of the order. It was issued last Saturday, as I recall, and that was the first information I had about it. I have seen the order, and, as I understand, it merely empowers the War Department, or specifically designates one

of the generals, whose name I forget, to seize or take into custody all persons, including American citizens, whom he thinks should be taken into custody, and who live in certain prescribed areas, that is, areas close to plants manufacturing defense material, close to oil fields, airports, and other areas which have been or might be declared by the President to be important from a military or production standpoint. I presume that if they are seized they will merely be held, perhaps incarcerated. I do not know of any reason why they should be taken into the Senator's beet producing section, and allowed to interfere in any way with the operation of growing beets in Colorado.

Mr. JOHNSON of Colorado. I share the Senator's opinion, that that would be unwarranted, and, as I understand, it would conflict with the provision against involuntary servitude. Even if the Japanese were willing to serve in such a capacity, certainly their services could not be forced upon the farmers in the areas referred to. It seemed to me to be a silly interpretation of the order, but our newspapers, and the people in the western States, are much disturbed over the likelihood of some such arrangement being made.

Mr. STEWART. I have no information that such a thing is contemplated.

#### FIFTH SUPPLEMENTAL DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 6611) making additional appropriations for the national defense for the fiscal year ending June 30, 1942, and for other purposes.

Mr. DANAHER. Mr. President, in the course of his very able address a few minutes since the Senator from Wisconsin [Mr. LA FOLLETTE] was dwelling upon the extent to which the appropriations we are making seem to antedate their possible expenditure. I should like very much to call the attention of the Senator from Wisconsin to a colloquy which occurred in the course of the House hearings. It must become apparent to all of us, especially those who are not on the Committee on Appropriations, that we cannot know the extent of the multiplicity of details covering the expenditure of these vast sums. We necessarily must depend, so far as we can, upon the hearings available to us. All too often in the course of the hearings, just when, in our study, we reach a most important point, something which we should like to know most about, we find in parentheses the expression, "Then followed a discussion off the record," and we still do not know what the answer may be.

With his consent, if the Senator will be so kind, I should like to call to the attention of the Senator from Wisconsin a colloquy appearing at pages 188 and 189 of the House hearings, when Mr. Stettinius was testifying. Representative WIGGLESWORTH was questioning him:

Mr. WIGGLESWORTH. You have had \$12,985,000,000, and you are now asking for \$5,430,000,000. In order to get the total picture, there should be added whatever may come to you under the military title of the bill and the Maritime Commission part of it?

Mr. STETTINIUS. Not in funds—in items of material, but not in funds.

Mr. WIGGLESWORTH. How much of the \$12,-985,000,000 have you allocated?  
 Mr. STETTINIUS. \$12,225,000,000.  
 Mr. WIGGLESWORTH. As of what date?  
 Mr. STETTINIUS. As of the 12th. Today is the 13th.  
 Mr. WIGGLESWORTH. As of February 12?  
 Mr. STETTINIUS. As of February 12. Of the total appropriation of \$12,985,000,000, \$12,-225,000,000 has been allocated.  
 Mr. WIGGLESWORTH. What are the obligations?  
 Mr. STETTINIUS. The obligations are \$7,925,-000,000 as of February 8.  
 Mr. WIGGLESWORTH. How much of that has been expended?

Note the answer, Mr. President.

Mr. STETTINIUS. The expenditures, as of January 31, were \$1,811,000,000.

Has the Senator from Wisconsin had a chance to perceive the comparatively small ratio of disbursements and expenditures in relation to the enormous requested appropriations?

Mr. LA FOLLETTE. Mr. President, the Senator from Connecticut has pointed out an important example of just what I was discussing, and it was my hope that the Committee on Appropriations would procure figures as to the total war and defense appropriations which would be comparable to those which the Senator from Connecticut has furnished from the House hearings, because, first, these moneys are allocated, then they are obligated, then they are contracted for, and finally the stage of expenditure is reached. All these appropriations, as I understand, go into the hopper, so to speak, then they go through these various stages. Until we know how much of the backlog has been expended, we have not any very definite understanding of what the total backlog amounts to, because, for instance, once the funds are allocated, that does not necessarily mean that the allocation is going to be followed, for it can be shifted around later on.

Let me point out that when this bill shall have been passed, there will have been appropriated for lend-lease specifically \$18,410,000,000, and, taking the figure which Mr. Stettinius gave to the House committee, as the Senator from Connecticut has just read it, which is \$1,811,000,000 in round numbers, that leaves \$16,599,000,000 unexpended out of the total lend-lease appropriations, including that provided for in the pending bill.

I hope that when we are called upon to consider the next one of these bills, which will probably be in a few days, the Committee on Appropriations will procure for us the figures, so that we can tell more definitely how much of this is backlog and how much of it has been expended.

Mr. DANAHER. I thank the Senator from Wisconsin for his comment and his view on this important matter.

There is another observation which it seems to me should be made, namely, that upon the Executive rests, after all, the responsibility for actual disbursement. When we are building this enormous backlog, and we have appropriated, let us say, a year or a year and a half

hence for the estimated needs, at a time when we have actually expended only some 10 percent of the total appropriated for lend-lease alone, we are putting beyond the control of the Congress itself the actual disbursement of the funds appropriated. To show to what extent the situation can be carried, let me recall that it is only a matter of a few weeks since we appropriated funds for the highway plan. Yet this morning's Washington Post opens an article on the front page with this paragraph:

President Roosevelt has frozen for the duration of the war projected outlay of about \$500,000,000 in Federal funds for construction of highways, a secret order to the Federal Works Administrator revealed yesterday.

Mr. Roosevelt instructed the Administrator to restrict approval of projects to those essential to national defense in order to release materials and manpower for the war effort.

Only \$88,000,000 has been provided for highway construction in the coming fiscal year in contrast to the big outlays running from \$150,000,000 up to \$350,000,000 a year in the past few years.

Granting that we made these appropriations in furtherance of the war effort, as we are led to believe through the witnesses, if, Mr. President, they are thereafter subject to Executive order, if in fact expenditures can be suspended, and, to carry the case to a possible extreme, assuming that in the November elections the House of Representatives should change its complexion, and assuming that in response to the sentiment of the public there should be some change of the viewpoint of those in the House as to exactly what should be done in this, it should be remembered that the Congress in these acts at this time is passing completely out of our hands and into the hands of the Executive control over the future of the country, and the course of the conduct of the war, and the future of the expenditures we thus appropriate.

Mr. President, the Senator from Wisconsin has rightly stated, it seems to me, that a note of caution should be injected into our thinking along these lines. I believe that as these measures come along we should be given more detail. We cannot dodge our responsibility in this situation, expecting that in the future all the funds will be expended in exactly the way we hope they will be spent.

Mr. BONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. DANAHER. I yield.

Mr. BONE. I did not care to ask a question. I simply rose to make a few remarks about the report.

Mr. BARKLEY. Mr. President, I may suggest to Senators that the bill is going over. It is not going to be passed on today. We desire to take up the calendar and dispose of it, and these matters might well be discussed when the bill is again taken up. I do not want to shut off the Senator from Connecticut.

Mr. DANAHER. I know, Mr. President, that the Senator from Kentucky has no desire to shut off the Senator from Connecticut. I am certain of that.

Mr. BARKLEY. I not only have no desire to do it, but I realize the impossibility of doing it.

Mr. DANAHER. The Senator knows quite well, of course, that he would listen to more wisdom during the remainder of the afternoon than he had expected to listen to, but I do not want to go into a thing of that kind with him. I know very well that when the Senator from Kentucky says he does not want to shut off the Senator from Connecticut, but would like to take up the calendar, that what he really means is that he would like to shut off the Senator from Connecticut so that the Senate may take up the calendar.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DANAHER. I yield.

Mr. McKELLAR. I was interested in the statement the Senator just made about these appropriations. We had a tremendous amount of testimony before our committee. Witnesses from the departments interested, and others, including the Assistant Secretary of War, who is a very excellent man in every respect, and seems to know his business thoroughly, appeared before the committee. I am quite convinced that if the Senator from Connecticut, with his keen and penetrating mind, with his ability, sagacity, and industry, and every other attribute he possesses—and they are many and splendid, and I take off my hat to him—had been in attendance at the meetings of the committee, he would feel, as I do, that the amount of appropriations asked for at this time is necessary to carry on the war as the Senator would like it to be carried on, and as I would like it to be carried on, and as we all would like it to be carried on. The witnesses who appeared before the committee seemed to be much in earnest, and as sincere and truthful a lot of men as I have interviewed in a long time. I am quite sure that had the Senator from Connecticut been a member of the committee he would feel as I do, that it is necessary to appropriate this money in order that our war effort may succeed, as I know the Senator wants it to succeed, and as I want it to succeed, and as we all want it to succeed.

Mr. DANAHER. Mr. President, will the Senator from Tennessee please tell us upon which part of the proceedings we should place the greater reliance, that which appears in the Senate report, or that which was off the record and which the Senator asks us to accept.

Mr. McKELLAR. Upon both, of course.

Mr. DANAHER. The Senator would not ask that we place greater reliance upon that part which was off the record?

Mr. McKELLAR. No. I ask that reliance be placed upon both. If the Senator finds something in the printed record which he thinks is not correct, then he is absolutely right in criticizing it. There is no objection to criticism, anyway. That is the only way we can bring out the facts. I am always glad to have any act of mine criticized. I know what I am doing when other men criticize my action and tell



me what is wrong with it. I am always perfectly willing to be subjected to criticism, and I am glad to have the Senator's views about the bill.

Mr. DANAHER. Mr. President, I have always found the Senator from Tennessee to be cooperative, and I thank him for his cordial offer of continued cooperation. I respectfully submit that a reading of pages 1 to 48, which comprise the entire record of the hearing, will show no justification in detail for the expenditure of another dollar. If we were to rest on that record, Mr. President, there is nothing upon which we could base our judgment. I agree that there was much off the record which, had we the benefit of knowing it, might alter our receptivity. If it were not for the fact that I repose in the Senator from Tennessee that degree of confidence in his honesty and integrity to which I know him to be entitled, and which he would wish us to extend to him, I might feel otherwise than I do about the bill. As it is, Mr. President, I, too, will support the measure, relying upon the Senator from Tennessee and others. I believe, however, that as time goes on we may with more critical examination give more careful attention and inspection to the need for the funds as the requests are presented to us.

Mr. TAFT. Mr. President, will the Senator yield so that I may ask the Senator in charge of the bill a question?

Mr. DANAHER. I yield.

Mr. TAFT. I did not quite understand the answer given to the question raised by the Senator from Wisconsin [Mr. LA FOLLETTE]. It is said that with what we are now appropriating, the total of the expenditures will be \$142,000,000,000. In the fiscal year just ending we will spend, so far as I can judge, about \$22,000,000,000 for defense purposes. It is the President's estimate that in the next fiscal year we will spend \$53,000,000,000 for defense purposes. It is perhaps doubtful if we can spend that much money in that time.

Assuming that we shall spend another \$53,000,000,000 in the fiscal year ending June 30, 1944, even all added together will not be \$142,000,000,000. It will be \$106,000,000,000, plus \$22,000,000,000, which is \$128,000,000,000, and yet the Senator says we are now appropriating the one hundred and forty-second billion dollars, and we have not yet taken up the regular appropriation bills for the Army and the Navy for the fiscal year 1943. So, I do not quite understand why we are not appropriating money now for the next 3 years, practically through the fiscal year 1945, instead of through the fiscal year 1943. I am willing to take the Senator's word for the fact that this expenditure is necessary, but I do not see how the figures can be reconciled with the actual expenditures which we can reasonably hope to make, even if we use 55 or 60 percent of the productive capacity of the country.

Mr. McKELLAR. I will say to the Senator that I have sent for the memoranda I used in explaining the bill. When one is dealing with figures he wants to have the figures before him.

They will be here in a moment and I will give the Senator the figures.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. OVERTON. I think the Senator fell into an inadvertent error in stating that the regular annual department appropriation bills for 1943 had not been enacted. One has been enacted.

Mr. TAFT. The Navy Department bill has been enacted.

Mr. OVERTON. Yes.

Mr. TAFT. But not the Regular Army appropriation bill for the fiscal year 1943, and, of course, there will be another bill for the fiscal year 1944, so all that has to be added, but taking into account all those figures, I do not see how it is possible to spend \$142,000,000,000, on any basis that I can judge of, in the time specified.

Mr. McKELLAR. My recollection is that there is a provision in the Constitution that funds which are not expended must go back into the Treasury. So money appropriated, but not expended, will go back into the Treasury after the year 1943.

The Senator asked me a question. I shall give the break-down in a general way. One hundred and forty-two billion dollars has been appropriated up to date. Sixteen billion six hundred and sixteen million dollars has been expended up to January 1942. Between now and June of this year we shall expend \$13,684,000,000 more.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. TAFT. I do not want to question the Senator's figures, but it seems to me that that is far beyond anything we can hope to spend in 3 or 4 months.

Mr. McKELLAR. I will give the Senator the figures as they were given to me.

Mr. TAFT. The figures are far beyond the Budget estimate of the 1st of January.

Mr. McKELLAR. The amount given by the Bureau of the Budget at this time is \$13,684,000,000 to be expended from February 1 to June 30, which is 5 months in 1942. For the fiscal year 1943 the amount to be expended is \$52,800,000,000. For the period subsequent to 1943 contracts will be made, but the goods will not be translated into war materials this year. The amount is \$58,904,000,000. That is the entire amount for every department.

The Army and Navy have been supplied with enormous sums of money for their materials. As I told the Senator, these are stupendous sums. They frighten me; they frighten the Senator; they frighten all of us; but in order to win this war we must follow what our military and naval authorities have recommended, because we are not experts or authorities. They certainly have made a splendid case so far as our committee is concerned. The Senator can verify that statement from any member of the committee, whether on the Democratic side or the Republican side. I

think the whole committee agrees that they are making the best possible use of the money.

We cannot make war materials and munitions of war merely by making contracts. Enormous sums must be spent for tools to make guns of every kind, from heavy cannon on down. We are spending an enormous amount for tanks. We are spending great sums for aircraft. I was very happy to find that the aircraft production is rapidly increasing; and while I am not permitted to give the figures, it seems to me that it is in splendid condition. To be perfectly frank, that subject interested me probably more than anything else, because I think this war is to be won very largely by aircraft. It is tremendously encouraging to me to know that our aircraft production is proceeding in the accelerated way in which it is progressing.

Mr. DANAHER. Mr. President, I invite the attention of Senators who have not had an opportunity to read the Senate hearings to one or two matters in that connection.

On page 3, General Moore was testifying:

General MOORE. I have given a brief outline of the equipment program and shall be glad to answer any questions regarding it. Other War Department witnesses will give you any details of the estimates which you desire. I have a break-down, for the information of the committee, of these estimates.

(A discussion followed, off the record.)

On page 4, General Moore was still testifying:

I would say we would better go off the record.

Senator McKELLAR. Yes.

(A discussion followed, off the record.)

On page 7, General Arnold was discussing the matter of the Air Corps articles to be procured.

(A discussion followed, off the record.)

On page 8:

Senator THOMAS. Before we conclude, I want to go into the question of the production of high-test gasoline.

(A discussion followed, off the record.)

Mr. McKELLAR and Mr. HAYDEN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and, if so, to whom?

Mr. DANAHER. Just a moment.

On page 8, further:

Senator McKELLAR. \* \* \* We know we have to make these contributions to the manufacturers in order to make ready, and what we are interested in now is for them to get ready as quickly as possible.

(A discussion followed, off the record.)

On page 8:

Senator O'MAHONEY. \* \* \* In other words, are we producing the ordnance equipment rapidly enough for the contemplated Army?

(A discussion followed, off the record.)

I shall not go on. I merely wish to point out that in our attempted analysis of the needs for these appropriations those of us who are not on the committee are most certainly at a disadvantage.

We simply do not have the facts. I agree that they should not be made public; I agree that they should not be broadcast all over the world, or even to our citizens—certainly not to the enemy, or any possible enemy—but when the Senate itself does not have the facts it must be agreed that the record is barren of fact or incident to justify these enormous sums, except as we repose trust and confidence in the distinguished Senator from Tennessee, who is entitled to such trust and confidence, and to whom I now yield.

Mr. McKELLAR. Mr. President, there are 48 printed pages of hearings. General Moore, to whom the Senator first referred, testified to an extent which I have no doubt would have covered more than 48 pages. He was before the committee on two separate days. He was a most enlightened and enlightening witness. He was frank in giving his testimony. I have no doubt that on the 2 or 3 days he was before the committee he testified to a greater extent than the volume represented by the printed hearings. The same thing is true of General Arnold. I think those two men were the highest officials we had before us, with the exception of Assistant Secretary of War Patterson, who is a very fine man and who knows his subject. He is in charge of production. I am sure that each of those three gentlemen testified to an extent greater than 48 pages.

After the testimony of those men and officers under them who had the facts concerning each and every item in the bill, the committee was convinced that the bill was proper.

What struck me with a great deal of force was the possibility of expending a huge sum like \$33,000,000,000 at any time; but when they told me that during the present calendar year they expected to spend practically all of the Army appropriation; that much of the appropriation for the Maritime Commission would be spent; and that all the lend-lease appropriation would be spent, it put a very different phase on the matter.

Of course, we all realize that the amount proposed to be appropriated is an enormous sum. The mere statement of it in billions makes it enormous; but it seems to me that it is necessary to spend it in order to win the war, and that we ought to appropriate it.

Mr. BONE. Mr. President, as a part of my remarks I should like to have printed in the body of the Record a very brief statement by Mr. Edward Stettinius, which appears on pages 3 and 4 of the committee's report on the pending bill. I ask that that be done because I have had many inquiries as to the scope and extent of the lease-lend operations now being conducted by the Government. I find many persons not well advised concerning the extent and scope of those operations. They know that vast sums are being spent but, unfortunately, citizens generally do not have access to committee reports or hearings before committees, and as a consequence have only a very vague idea as to what is going on. The statement of Mr. Stettinius is brief, and will serve to enlighten those who care to read it. It will be more interesting in history, because it is given to us as a part

of the greatest financial operation in all human history; for, unless I am gravely mistaken, this bill is the greatest single financial operation in human history. I doubt if there has been anything in the history of the world which transcends it in amount or in the seriousness of the object which it seeks to attain.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

There being no objection, the statement was ordered to be printed in the Record, as follows:

The major point of overriding importance to us as Americans—a point that I want to make unmistakably clear—is that this is a World War that stretches across every ocean and every continent. Every man fighting the Axis wherever he may be—in the central part of China, or the island of Java, in New Britain, at Rangoon, in the Leningrad area, or the Crimea, in Libya or Iran—any man who is manning the guns of ships of the sea and the controls of ships of the air are integral parts of our forces. The lend-lease program is our mechanism for making available the supplies necessary to strengthen these nations, to serve them as though they were our own, to serve our own as well, and thus to bind together into a united whole all the free peoples of the world—fighting or not—who are resisting Axis aggression.

Australia, New Zealand, the Dutch East Indies, China, India, and Burma are America's front line in the Pacific, sustained in part by lend-lease aid. In the next 10 months the Lend-Lease Administration hopes to provide tremendous impetus to the production abroad of military weapons and to the general preparedness of these Allies. Trucks, road-building machinery, locomotives, tracks, ties, and so forth, will put their transportation facilities in fighting shape. Radars, receiving sets and sending stations, telephones, and wire and electrical equipment will bolster their communication system for the war effort. Raw materials, tools, generators, machine oil, and countless other types of supplies and equipment will expand their own production of military weapons.

Here are a few examples of what this type of aid can do:

Australia, in spite of sending over a half million men into her armed forces out of a total population of some 7,000,000 people, has her own plane- and tank- and gun-building program. Our studies, made together with the Australians, revealed that if we provided certain processed steel and a relatively small number of tools and some component parts and other supplies, Australia's output of planes and tanks and guns would be tremendously stepped up at practically no expense to our own.

Similarly, lend-lease can make a contribution toward solving shortages in critical materials, such as rubber. We find that by supplying such items as sulfur and tire molds to tire factories in India, Australia, and South Africa we can appreciably increase the tire output of these factories using their own supplies of raw rubber. We can thus reduce the number of tires which would otherwise be allocated from the United States. The results are an increase in total Allied production of war matériel, a tremendous saving in shipping space and time-consuming transportation so vital to the united war effort.

Lend-lease activities have and continue to assist our armed forces all over the world. The air ferrying service across the Atlantic to the Middle East, created last summer and operated with lend-lease funds, has now been extended so that the bombers for our fighting forces, as well as those of our Allies, can be flown by that route to the fighting areas of the southern Pacific. Lend-lease aid to

the Free French and Free Belgians contributes to the protection of this route across Africa. Bases in Scotland and Northern Ireland, built with lend-lease funds, are now available for our troops in that part of the world.

Then there is lend lease in reverse. Lend lease is and can be a two-way thing: We cannot only make available our supplies to the Allied Nations but the Allied Nations can make their supplies available to us in the same manner. Thus there is a method available for each of these nations to contribute supplies for the common effort to the fullest measure of their capabilities. There is also another focal point for further cementing the relationships of our Allies so that their manpower, their hearts, and all their resources can be most effectively joined to the end of defeating the Axis Powers.

In this spirit some of the lend-lease countries have freely offered us supplies, and others have initiated conversations with us looking to lend leasing supplies to us. Thus, for example, we have been supplied without payment through lend lease in reverse with antiaircraft guns and ammunition for vital needs. We have been graciously offered the complete equipment for a gun factory. We, of course, welcome this spirit and fact of reciprocal aid in the common cause.

The Lend Lease Act thus provides the method for the full and efficient exchange and utilization of the total war material of our Allies and ourselves in the interest of prosecuting the war. Using this procedure to the fullest extent possible should result in invaluable conservation of shipping space and the most effective use of the other resources of the Allied Nations in prosecuting the war.

#### CONSIDERATION OF MEASURES ON THE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1093, where we left off on the 13th of February.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	O'Daniel
Austin	Gillette	O'Mahoney
Bailey	Glass	Overton
Ball	Green	Radcliffe
Bankhead	Guffey	Reed
Barbour	Gurney	Reynolds
Barkley	Hayden	Rosier
Bilbo	Herring	Russell
Bone	Hill	Schwartz
Brewster	Holman	Shipstead
Brown	Hughes	Smathers
Bulow	Johnson, Calif.	Stewart
Bunker	Johnson, Colo.	Taft
Burton	Kilgore	Thomas, Idaho
Byrd	La Follette	Thomas, Okla.
Capper	Langer	Thomas, Utah
Caraway	McCarran	Tobey
Chavez	McKellar	Truman
Clark, Idaho	McNary	Tunnell
Clark, Mo.	Maloney	Tydings
Connally	Maybank	Van Nuys
Danaher	Mead	Walsh
Davis	Millikin	Wheeler
Downey	Murray	White
Doxey	Norris	Wiley
Ellender	Nye	

The PRESIDING OFFICER. Seventy-seven Senators have answered to their names. A quorum is present.



The clerk will proceed to state the first business on the calendar, beginning with calendar 1093, under the unanimous consent agreement.

J. G. FOX

The bill (H. R. 3032) for the relief of J. G. Fox was considered, ordered to a third reading, read the third time, and passed.

JOHN E. NEWMAN

The bill (H. R. 3697) for the relief of John E. Newman, was considered, ordered to a third reading, read the third time, and passed.

LONNIE BALES

The bill (H. R. 3829) for the relief of Lonnie Bales was considered, ordered to a third reading, read the third time, and passed.

JOHN J. JENKINS

The bill (H. R. 4019) for the relief of John J. Jenkins was considered, ordered to a third reading, read the third time, and passed.

MRS. WILLIE M. MAYE

The Senate proceeded to consider the bill (H. R. 3761) for the relief of Mrs. Willie M. Maye, which had been reported from the Committee on Claims, with an amendment, on page 1, line 6, after the words "sum of", to strike out "\$5,444" and insert "\$544."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### BILL PASSED OVER

The bill (H. R. 4063) conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders was announced as next in order.

Mr. DANAHER. Mr. President, may we have an explanation of the bill? I should like to know particularly whether there has ever been established a precedent to the effect that the Government would be liable for the failure of an inspector in the Bureau of Animal Industry to detect some disease, as a result of which failure, in the case covered by the bill, the particular 150 head of cattle involved became infected with ticks, thus giving rise to the alleged claim. If there is some precedent for it, I should like to know; that is the purpose of my inquiry.

The PRESIDING OFFICER. The Senator in charge of the bill does not appear to be on the floor.

Mr. DANAHER. Then, Mr. President, in the absence of an explanation, I should prefer to have the bill passed over.

The PRESIDING OFFICER. The bill will be passed over.

FRANK SHEPPARD

The Senate proceeded to consider the bill (S. 2220) for the relief of Frank Sheppard, which had been reported from the Committee on Claims with amendments, on page 1, lines 5 and 6, after the word "Treasury", to strike out "allocated by the President for the maintenance and operation of the Work Projects Adminis-

tration" and to insert "not otherwise appropriated"; in line 8, after the words "sum of", to strike out "\$1,500" and insert "\$300"; in line 10, after the words "account of", to strike out the word "permanent"; and on page 2, in line 3, after the word "blast", to strike out "carelessly, negligently, and without warning set off by Work Projects Administration workmen, employees of the Government then and there engaged in repair work upon the public streets of said town" and insert "set off by employees of the Work Projects Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Sheppard, of Lewisburg, W. Va., the sum of \$300, in full settlement of all claims against the United States for damages sustained by the said Frank Sheppard on account of personal injuries suffered by him on August 24, 1939, when, while sitting on the front porch of his home at the town of Lewisburg, W. Va., he was struck by a heavy stone thrown by a blast set off by employees of the Work Projects Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. M. SHERROD AND DAISY MIMMS

The bill (H. R. 1755) for the relief of C. M. Sherrod and Daisy Mimms, administratrix of the estate of Arthur Mimms, was considered, ordered to a third reading, read the third time, and passed.

RUTH STEWARD, ADMINISTRATRIX OF ESTATE OF LUTHER F. STEWARD

The bill (H. R. 2460) for the relief of Ruth Steward, administratrix of the estate of Luther F. Steward, was considered, ordered to a third reading, read the third time, and passed.

BESSIE PEARLMAN AND GEORGE ROTH

The bill (H. R. 3433) for the relief of Bessie Pearlman and George Roth was considered, ordered to a third reading, read the third time, and passed.

MRS. NOEL WRIGHT AND BUNNY WRIGHT

The bill (H. R. 5573) for the relief of Mrs. Noel Wright and Bunny Wright was considered, ordered to a third reading, read the third time, and passed.

MRS. EDDIE A. SCHNEIDER

The Senate proceeded to consider the bill (H. R. 5290) for the relief of Mrs. Eddie A. Schneider, which had been reported from the Committee on Claims, with an amendment, on page 1, line 7, after the words "sum of", to strike out "\$10,000" and insert "\$5,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BIBIANO L. MEER

The bill (S. 2175) for the relief of Bibiano L. Meer was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of or otherwise to relieve Bibiano L. Meer, collector of internal revenue, Manila, P. I., for the value of certain series 108, class C, cigar 500's internal-revenue stamps amounting to \$250, which were charged to the collector of internal revenue at Manila and which for some unknown reason were not delivered to him or disappeared from his office, or for which because of an error in labeling he was not allowed credit upon their return to the Stamp Section, Accounts and Collections Unit, United States Bureau of Internal Revenue.

JOHN SNURE, JR.

The Senate proceeded to consider the bill (S. 1766) for the relief of John Snure, Jr., which had been reported from the Committee on Claims, with amendments, on page 1, in line 5, after the words "sum of", to strike out "\$399.99," and insert "\$382.21"; and, in line 10, after "October," to strike out "14", and insert "13", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Snure, Jr., the sum of \$382.21, in full satisfaction of his claim against the United States for compensation for services rendered by him in the service of the Joint Army and Navy Selective Service Committee, and in the service of the Selective Service System, during the period from September 1 to October 13, 1940: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD BOVE

The bill (H. R. 691) for the relief of Richard Bove was considered, ordered to a third reading, read the third time, and passed.

G. F. BROWN

The bill (H. R. 2428) for the relief of G. F. Brown was considered, ordered to a third reading, read the third time, and passed.

## MINNIE C. SANDERS

The bill (H. R. 3610) for the relief of Minnie C. Sanders was considered, ordered to a third reading, read the third time, and passed.

## ANDREW WICHMAN

The bill (H. R. 4414) for the relief of Andrew Wichmann was considered, ordered to a third reading, read the third time, and passed.

## BELLA COSGROVE

The Senate proceeded to consider the bill (H. R. 4355) for the relief of Bella Cosgrove, which had been reported from the Committee on Claims, with an amendment, to strike out all after the enacting clause, and to insert:

That jurisdiction be, and it is hereby, conferred upon the United States District Court for the Southern District of New York to hear, determine, and render judgment, as if the United States were suable in tort, upon the claim of Bella Cosgrove, of New York City, N. Y., for damages resulting from personal injuries received by her on May 6, 1940, by reason of the negligence of the Work Projects Administration at the roadway of the intersection of One Hundred and Sixth Street and Central Park West, in the city of New York: *Provided*, That the judgment, if any, shall not exceed \$5,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act conferring jurisdiction upon the United States District Court for the Southern District of New York to hear, determine, and render judgment upon the claim of Bella Cosgrove."

## JEAN N. BURTON AND LAURA JONES

The bill (H. R. 2718) for the relief of Jean N. Burton and Laura Jones was considered, ordered to a third reading, read the third time, and passed.

## WILLIAM H. EVANS

The bill (H. R. 2908) for the relief of William H. Evans was considered, ordered to a third reading, read the third time, and passed.

## THELMA CARRINGER AND OTHERS

The bill (H. R. 4010) for the relief of Thelma Carringer and others was considered, ordered to a third reading, read the third time, and passed.

## CATHERINE WARD

The bill (H. R. 794) for the relief of Catherine Ward was considered, ordered to a third reading, read the third time, and passed.

## BUILDERS SPECIALTIES CO.

The bill (H. R. 5865) for the relief of Builders Specialties Co. was considered, ordered to a third reading, read the third time, and passed.

## TITLE TO LAND IN DEARBORN, MICH.

The bill (H. R. 1060) to vest absolute in the city of Dearborn the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich., was con-

sidered, ordered to a third reading, read the third time, and passed.

## WATER CONSERVATION AND UTILIZATION PROJECTS IN GREAT PLAINS AND ARID AND SEMIARID AREAS

The bill (S. 1441) to amend the act of August 11, 1939 (53 Stat. 1418), entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", as amended by the Act of October 14, 1940 (54 Stat. 1119), was announced as next in order.

Mr. NORRIS. Mr. President, the House has passed a bill (H. R. 4648), which deals with the same subject, and which is identical with the Senate bill if the amendment to the Senate bill were to be agreed to. Unfortunately, the House bill is not on the calendar. It has been referred to the Committee on Irrigation and Reclamation, and I think there has been no meeting of the committee since the reference was made. Of course, the House bill is the one which should be passed.

Therefore, I ask unanimous consent that the Committee on Irrigation and Reclamation be discharged from further consideration of House bill 4648, so that the Senate may consider the House bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the Committee on Irrigation and Reclamation is discharged from the further consideration of House bill 4648.

Mr. NORRIS. I now ask that the House bill be substituted for the Senate bill and be considered at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 4648) to amend the act of August 11, 1939 (53 Stat. 1418), entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," as amended by the act of October 14, 1940 (54 Stat. 1119), which was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1441 will be indefinitely postponed.

Mr. MILLIKIN. Mr. President, I should like to have an explanation of the bill which was just passed.

Mr. NORRIS. The bill provides for a slight amendment of the Jones-Wheeler Act providing for construction of contemplated projects in the Great Plains and arid and semiarid areas of the United States. Passage of the bill is recommended by the Bureau of Reclamation. So far as I know, thus far, there has been no objection to the bill. It passed the House by unanimous vote, and was unanimously reported by the Senate committee.

Have I sufficiently explained the bill to the Senator?

Mr. MILLIKIN. Yes. I thank the Senator for his explanation.

## STAFF DEPARTMENTS OF MARINE CORPS

The Senate proceeded to consider the bill (S. 2229) to provide for the retirement, rank, and pay of heads of staff departments of the Marine Corps, which had been reported from the Committee on Naval Affairs with an amendment, on page 2, line 6, after the word "pay", to insert "or allowances", so as to make the bill read:

*Be it enacted, etc.*, That any officer of the Marine Corps who may be retired while serving as head of a staff department of the Marine Corps, or who has served or shall have served 2½ years or more as head of a staff department of the Marine Corps, and is retired after completion of such service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as such head of a staff department of the Marine Corps: *Provided*, That the President in his discretion may extend the privileges herein authorized to such officers as have heretofore been retired and who satisfy the foregoing conditions: *Provided further*, That no increase provided herein in retired pay or allowances shall be held to have accrued prior to the passage of this act.

Mr. WALSH. Mr. President, the bill involves no additional expense to the Government. It simply places the heads of staff departments of the Marine Corps on the same basis as the heads of staff departments of the Navy in reference to retirement, rank, and pay.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## CONSTRUCTION OF SUBWAYS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the joint resolution (H. J. Res. 248) to direct the Commissioners of the District of Columbia and the Public Utilities Commission to make an investigation and survey to determine the feasibility of the construction of subways in the District of Columbia for both streetcars and vehicular traffic, which had been reported from the Committee on the District of Columbia, with amendments, on page 1, in line 3, after the word "Columbia," to strike out "and the Public Utilities Commission"; in line 4, after the word "authorized", to insert "and directed"; in line 8, after the name "Columbia", to strike out the words "and the Utilities Commission"; on page 2, in line 4, after the name "Columbia", to strike out "and the Utilities Commission"; and in line 6, after the word "than" to strike out "March 15, 1942", and insert "one hundred and twenty days after the enactment of this act."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution to direct the Commissioners of the District of Columbia to



make an investigation and survey to determine the feasibility of the construction of subways in the District of Columbia for both streetcars and vehicular traffic."

#### AMENDMENT OF DISTRICT OF COLUMBIA TRAFFIC ACT OF 1925

The bill (S. 2122) to amend the District of Columbia Traffic Act of 1925, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That subsection (d) of section 9 of the District of Columbia Traffic Act, approved March 3, 1925, as amended, is amended to read as follows:

"(d) Any individual violating any provision of this section, except where the offense constitutes reckless driving, shall, upon conviction thereof, be fined not more than \$300 or be imprisoned not more than 90 days."

SEC. 2. That subsection (e) of section 7 of the District of Columbia Traffic Act, approved March 3, 1925, as amended, is amended to read as follows:

"(e) No individual shall operate a motor vehicle in the District, except as provided in section 8, without having first obtained an operator's permit issued under the provisions of this act. Any individual violating any provision of this subsection shall, upon conviction thereof, be fined not more than \$300 or be imprisoned not more than 90 days."

#### REGULATION OF PRACTICE OF THE HEALING ART IN THE DISTRICT OF COLUMBIA

The bill (S. 2154) to amend an act entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929, was announced as next in order.

Mr. AUSTIN. Mr. President, reserving the right to object, I should like to have an explanation made of the bill by the distinguished chairman of the Committee on the District of Columbia.

Mr. McCARRAN. Mr. President, the bill provides that any person admitted to the practice of the healing art in the District of Columbia shall be a citizen of the United States of America. That is all that is provided in the bill.

Mr. AUSTIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That so much of section 25 of said act as reads: "An applicant who desires to obtain a license without examination, by virtue of a license issued to him by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, shall submit proof, satisfactory to the Commission, that he is not less than 21 years of age and is of good moral character;" is amended so as to read: "An applicant who desires to obtain a license without examination, by virtue of a license issued to him by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, shall submit proof, satisfactory to the Commission, that he is not less than 21 years of age, of good moral character, and a citizen of the United States;"

SEC. 2. So much of section 26 of said act as reads: "Each applicant for a license to practice the healing art, to be issued after examination, shall submit with his applica-

tion proof satisfactory to the Commission that he is not less than 21 years of age; that he is of good moral character;" is amended so as to read: "Each applicant for a license to practice the healing art, to be issued after examination, shall submit with his application proof satisfactory to the Commission that he is not less than 21 years of age; that he is of good moral character; a citizen of the United States;"

#### CANTEEN AT GLENN DALE (MD.) SANATORIUM

The Senate proceeded to consider the bill (H. R. 4401) to provide for the establishment of a commissary or canteen at Glenn Dale Sanatorium, Glenn Dale, Md., which had been reported from the Committee on the District of Columbia, with an amendment, at the end of the bill to insert:

The Commissioners of the District of Columbia are authorized to fix the term of such concession and a reasonable rental to be paid therefor: *Provided*, That no charge shall be made for such concession if granted to a nonprofit charitable corporation or association whose primary object is to assist needy tuberculous patients in rehabilitation work.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### THEFT FROM VEHICLES IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 6375) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia, which had been reported from the Committee on the District of Columbia, with amendments, on page 2, line 4, after the word "accessory," to strike out "regardless of the value thereof" and insert "of the value of less than \$50"; and at the end of the bill to insert the following: "*Provided*, That nothing contained in this act shall be construed to affect the offense of grand larceny as defined by existing law."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### UTILIZATION FOR BURIAL SITES OF CERTAIN LAND IN ROCK CREEK CEMETERY

The bill (H. R. 6107) to authorize the Commissioners of the District of Columbia to permit the vestry of Rock Creek Parish to utilize for burial sites certain land within its present holdings in Rock Creek Cemetery was considered, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF DISTRICT OF COLUMBIA ZONING ACT

The bill (H. R. 6003) to amend an act entitled "An act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes," approved June 20, 1938, was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 4109) to provide aid to dependent children in the District of Columbia was announced as next in order.

Mr. AUSTIN. Mr. President, reserving the right to object, I ask the chairman of the Committee on the District of Columbia for an explanation of the bill.

Mr. McCARRAN. Mr. President, I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

#### CHANGE OF NAME OF CONDUIT ROAD TO MACARTHUR BOULEVARD

The bill (H. R. 6536) to change the name of Conduit Road in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 1980) to amend section 7 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, as amended, was announced as next in order.

Mr. McKELLAR. Mr. President, will the Senator from Nevada explain the purpose of that bill?

Mr. McCARRAN. The Senator from Mississippi [Mr. Bilbo] reported the bill, and I will ask that it go over until he is present.

The PRESIDING OFFICER. The bill will be passed over.

#### TRANSFER OF BLAIR COUNTY, PA., TO MIDDLE JUDICIAL DISTRICT

The bill (H. R. 5481) to transfer Blair County, Pa., from the western judicial district of Pennsylvania to the middle district of Pennsylvania was considered, ordered to a third reading, read the third time, and passed.

#### JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 131) appointing a joint committee of the Congress to make a study of war and post-war problems was announced as next in order.

Mr. BYRD. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

#### TRAVEL PAY FOR CERTAIN MILITARY AND NAVAL PERSONNEL

The bill (S. 2268) to further amend section 126 of the act of June 3, 1916, as amended, to authorize travel pay for certain military and naval personnel on discharge or release or relief from active duty was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 126 of the act of June 3, 1916 (39 Stat. 217, 10 U. S. C. 752), as amended, is hereby further amended by adding a further proviso at the end of said section to read as follows: "*Provided further*, That from and after August 27, 1940, upon discharge or relief or release from active duty, an enlisted man inducted into the military or naval service under the Selective Training and Service Act of 1940, as amended, or Public Resolution Numbered 96, approved August 27, 1940, shall, under such regulations

as the Secretary of War or the Secretary of the Navy, respectively, shall prescribe, receive the said 5 cents per mile for the distance from the place of discharge or relief or release from active duty to the location of the local board where he first reported for delivery to an induction station in the case of a selectee, or to the home station of the National Guard unit in the case of a National Guard enlisted man, or to the place where he was selected for enrollment in the Civilian Conservation Corps in the case of a Civilian Conservation Corps enrollee so inducted: *And provided further*, That the enlisted men of the Naval Reserve, the Marine Corps Reserve, the Enlisted Reserve Corps, and the Regular Army Reserve shall receive, upon discharge or relief or release from active duty, the same mileage allowance as herein prescribed, and under the same conditions as herein prescribed for enlisted men inducted into the military or naval service under the Selective Training and Service Act of 1940, as amended, except that the distance for which mileage is computed shall be from the place of discharge or relief or release from active duty to the place from which ordered to active duty.

#### BILL PASSED OVER

The bill (S. 2284) to amend the Civil Service Retirement Act of May 29, 1930, as amended, for the purpose of making elective officers and heads of executive departments ineligible to receive annuity benefits under such acts was announced as next in order.

Mr. BYRD. I ask that the bill go over.  
The PRESIDING OFFICER. The bill will be passed over.

#### NATIONAL HEATING CO.

The bill (H. R. 2980) for the relief of the National Heating Co., Washington, D. C., was considered, ordered to a third reading, read the third time, and passed.

#### ESTELLA KING

The Senate proceeded to consider the bill (H. R. 3966) for the relief of Estella King, which had been reported from the Committee on Claims with an amendment, on page 2, line 2, before the word "Administration", to strike out "Work Projects" and insert "Works Progress."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### CLAIMS OF W. M. HURLEY AND JOE WHITSON

The bill (H. R. 3200) conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claims of W. M. Hurley and Joe Whitson was considered, ordered to a third reading, read the third time, and passed.

#### LEGAL GUARDIAN OF JANE HAWK, A MINOR, AND J. L. HAWK

The bill (H. R. 4626) for the relief of a legal guardian of Jane Hawk, a minor, and J. L. Hawk was considered, ordered to a third reading, read the third time, and passed.

#### LOUIS PUCCINELLI BAIL BOND CO.

The bill (H. R. 5026) for the relief of the Louis Puccinelli Bail Bond Co. was considered, ordered to a third reading, read the third time, and passed.

#### MRS. EDNA B. CROOK

The Senate proceeded to consider the bill (H. R. 4557) for the relief of the estate of Mrs. Edna B. Crook, which had been reported from the Committee on Claims with an amendment on page 1, at the beginning of line 7, to strike out "\$2,500" and insert "\$470."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### MRS. AGNES S. HATHAWAY

The Senate proceeded to consider the bill (S. 1776) for the relief of Mrs. Agnes S. Hathaway, which had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of" to strike out "\$2,873.64", and insert "\$1,770", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Agnes S. Hathaway, of Topeka, Kans., the sum of \$1,770, in full settlement of all her claims against the United States for personal injuries, medical expenses, and property damage sustained by her on March 10, 1941, when the automobile which she was driving was struck by an Army truck on United States Highway No. 24, near Victory Junction, Kans.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM H. DUGDALE AND WIFE

The bill (H. R. 1647) for the relief of William H. Dugdale and wife was considered, ordered to a third reading, read the third time, and passed.

#### LEGISLATURE OF ALASKA

The Senate proceeded to consider the bill (H. R. 5458) to amend the Organic Act of Alaska which had been reported from the Committee on Territories and Insular Affairs, with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. TAFT. Mr. President, I think we should have an explanation of the bill.

Mr. HAYDEN. The bill, which is a House bill, would increase the number of members of the House of Representatives of the Legislature of Alaska from 16 to 24 and the members of the Territorial Senate from 8 to 16. As reported by the committee the suggestion is made that this change be postponed until 1944, but upon second thought, it occurred to me that it could be put into immediate effect by merely providing that the increased membership shall be considered as filling vacancies. I have consulted the members of the committee, and, therefore, offer the amendment which I

send to the desk in lieu of the committee amendments. In other words, I request that the committee amendments be rejected and that the amendment offered by me be adopted at the end of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments reported by the committee.

The amendments were rejected.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will now be stated.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add the following:

On page 7, after line 19, in lieu of the committee amendments, insert the following: "Sec. 4. (b) Upon the enactment of this act there shall be deemed to exist vacancies in the offices of the senators and representatives which this act creates in excess of those existing immediately prior to the date of the said enactment. These vacancies shall be filled in the manner prescribed by article III of chapter 17 of title 2 of the Compiled Laws of Alaska: *Provided, however*, That in the event this act becomes effective less than 30 days before the general election of 1942 and more than 30 days before the subsequent convening of the legislature in regular session, the Governor shall call a special election in the manner prescribed in said article."

Mr. McKELLAR. Mr. President, I inquire why is it necessary to increase the number of representatives and senators for the Legislature of Alaska?

Mr. HAYDEN. The bill was prepared in the House after consultation with the Delegate from Alaska and citizens of Alaska. The bill merely enlarges the number of each House. Why the number was changed I do not know.

Mr. McKELLAR. Are the speaker of the house and the presiding officer of the senate, respectively, elected by the other members?

Mr. HAYDEN. Yes.

Mr. McKELLAR. It seems to me there ought to be an odd number of members.

Mr. TYDINGS. Mr. President, may I say to the Senator from Tennessee that, basically, Alaska is divided into four districts; that one district has about 35 percent of the population; the next district has about an average number; and two districts have very little population, most of whom are Eskimos or Indians. Therefore, such a situation has been created in the Senate and House of Representatives of the Alaska Legislature that one man can block all legislation, because there are only eight members in the senate.

The committee held several hearings on this bill. It not only is approved by the Governor of Alaska and the Delegate from Alaska in the House of Representatives but by the department of the Federal Government concerned; and there is every reason, in my judgment, why some change should be made there, if the legislature is to transact business properly.

Mr. McKELLAR. My question did not go to the desirability of the bill but merely to the peculiar situation of having an even number in each house of the legislature. Under the bill there will be 24 in one and 16 in the other. I believe that is rather unusual.



Mr. CLARK of Missouri. Mr. President, this body operates very well with an even number of Members.

Mr. McKELLAR. That is true; but it is not often that a State or Territorial legislature does.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN].

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### BILL PASSED OVER

The bill (S. 1842) to extend certain benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 was announced as next in order.

Mr. TAFT. At the request of the junior Senator from South Dakota [Mr. GURNEY], who reported the bill, I ask that it go over. I understand that some further amendments are to be offered to it.

The PRESIDING OFFICER. The bill will be passed over.

#### H. EARLE RUSSELL

The bill (H. R. 5545) for the relief of H. Earle Russell was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 5075) to create a Recreation Board for the District of Columbia, to define its duties, and for other purposes, was announced as next in order.

Mr. AUSTIN. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### POLICE AND MUNICIPAL COURTS OF THE DISTRICT

The bill (H. R. 5784) to consolidate the police and municipal courts of the District of Columbia, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, that bill was considered by the Senate earlier today and then was passed over.

Mr. McCARRAN. Mr. President, the Senator from Nebraska [Mr. NORRIS] is not present. I think perhaps he wanted to raise some question about the bill. Unless the Senator thinks that we could take the bill up under the 5-minute rule, I suggest that it had better go over for further consideration.

Mr. McKELLAR. I think the Senator from Nebraska understood the bill was to go over.

The PRESIDING OFFICER. The bill will be passed over.

#### FORWARDING AND SERVICING OF WATER-BORNE EXPORT AND IMPORT COMMERCE

The Senate proceeded to consider the bill (H. R. 6291) to amend the Merchant Marine Act of 1936, as amended, to provide for the coordination of the forwarding and similar servicing of water-borne export and import foreign commerce of the United States, which had been reported from the Committee on Commerce with amendments.

Mr. LA FOLLETTE. Mr. President, will the Senator from Maryland explain this bill, and also one or two others on the calendar which follow it?

Mr. RADCLIFFE. I shall be glad to do so. The pending bill is known as the forwarders bill. I assume it is not necessary for me to take the time of the Senate to explain the functions of forwarders. Their activities are well known and the need of them so obvious as not to require any specific statements of description.

This bill authorizes the Administrator of the War Shipping Administration, who, of course, is Admiral Land, to coordinate all public and private forwarding activities. He will have the authority to deal with the various departments of Government and to make such arrangements and perform such acts as are necessary in order to carry out the policy called for by this bill.

A number of foreign countries, such as Great Britain and others, have already set up public agencies similar to the one provided by the bill, and it is very desirable for that reason, as well as for other reasons, that there should be similar authority in our Government—for instance, as to the allocation of ports, the selection of routes to be followed, and very many other arrangements. Foreign governments through their own public forwarders have certain authority and certain power and therefore are able to do various things that cannot be done by us if we have to rely entirely upon private forwarders.

There is an amendment which has been reported to the bill merely from the standpoint apparently of precaution. It is to the effect that this act shall not in any way interfere with the authority of the Interstate Commerce Commission.

This act has reference to water-borne exports and imports in foreign commerce only. Its passage is desired by the private forwarders and by all the agencies of the Government which have come closely in contact with and are familiar with the situation.

The PRESIDING OFFICER. The first amendment reported by the committee will be stated.

The first amendment was, on page 3, line 1, after the word "directed", to insert the following proviso: "And provided further, That nothing herein shall be deemed to affect the power or jurisdiction of the Interstate Commerce Commission, nor confer upon the Maritime Commission concurrent power or jurisdiction over any matter within the power or jurisdiction of the Interstate Commerce Commission."

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to insert:

(c) In conformity with the President's Executive order of February 7, 1942 (No. 9054; 7 Federal Register 837), the functions and duties of the Commission, under this section, insofar as they pertain to functions and duties of the Commission transferred by such Executive order to the Administrator of the War Shipping Administration, shall be performed by such Administrator.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### EXTENSION OF LIFE OF MARINE WAR RISK INSURANCE ACT

The Senate proceeded to consider the bill (H. R. 6550) to extend and amend subtitle, Subtitle—Insurance of title II of the Merchant Marine Act, 1936, as amended (Public, No. 677, 76th Cong), approved June 29, 1940, and for other purposes, which had been reported from the Committee on Commerce with an amendment.

Mr. RADCLIFFE. Mr. President, I understood the Senator from Wisconsin desires an explanation of this bill.

Mr. LA FOLLETTE. Yes; I should like to have the Senator explain the bill.

Mr. RADCLIFFE. Mr. President, the law which this bill seeks to prolong will otherwise expire on March 10, and the purpose of the bill is to continue the present law beyond that date.

Under the existing law the Maritime Commission has been authorized to provide for marine insurance, to try to work out with private insurers such arrangement as seems to be best and, when that cannot be done suitably, to place the insurance in the Maritime Commission. A certain amount of such public insurance has been made effective, and there have been one or two losses.

So far the insurance which has been effected has been on hulls only, but the Maritime Commission now has under consideration arranging for insurance on cargoes. Of course, it is easy to understand that war conditions make it more and more difficult for private insurance companies to handle this business satisfactorily. Therefore any need which might have existed for the enactment of this bill before the war began has, of course, been increased very much by the fact that we now have war conditions with which to reckon.

There is one amendment which eliminates in the pending bill a prohibition upon the insurance of contraband of war. It is not thought necessary that that provision should remain in the bill, because being now in a state of war, contraband of war is not a live question, and also because it is possible that an act of last November, the so-called Neutrality Act, probably repealed the provision as to contraband by implication.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "as", it is proposed to insert "the Congress by concurrent resolution or."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### LEO MALVEY

The joint resolution (H. J. Res. 231) to approve and authorize the continuance of certain payments for the hospitalization and care of Leo Malvey, and

for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### ACQUISITION OF LANDS IN NEW YORK BY MARTIME COMMISSION

The joint resolution (H. J. Res. 260) to authorize the United States Maritime Commission to acquire certain lands in Nassau County, N. Y., was considered, ordered to a third reading, read the third time, and passed.

#### BAYOU LAFOURCHE BRIDGE, LA.

The bill (S. 1971) to legalize a bridge across Bayou Lafourche at Valentine, La., was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

*Be it enacted, etc.,* That the Chief of Engineers and the Secretary of War are hereby authorized to approve the location and plans of a pontoon bridge already constructed by Valentine Sugars across Bayou Lafourche at Valentine, La.: *Provided*, That said bridge has been authorized by the Legislature of the State of Louisiana and as located and constructed affords reasonably free, easy, and unobstructed navigation.

SEC. 2. When the location and plans of said bridge have been approved as provided in section 1 of this act, said bridge shall be deemed a lawful structure and subject to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### COLORADO RIVER BRIDGE, CALIF.

The bill (H. R. 6072) authorizing the States of Arizona and California, jointly or separately, to construct, maintain, and operate a free highway bridge across the Colorado River at or near Needles, Calif., was considered, ordered to a third reading, read the third time, and passed.

#### BRIDGE ACROSS THE STRAITS OF MACKINAC

The Senate proceeded to consider the bill (S. 2133) to revive and reenact the act entitled "An act granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac," which had been reported from the Committee on Commerce with amendments, on page 2, line 4, after the word "within", to strike out "1 year" and insert "2 years", and in line 5, after the word "within", to strike out "3" and insert "4", so as to make the bill read:

*Be it enacted, etc.,* That the act approved September 25, 1940, granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan, be, and is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within 2 years and completed within 4 years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ST. MARYS RIVER BRIDGE, MICHIGAN

The Senate proceeded to consider the bill (S. 2134) to revive and reenact the act entitled "An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River," which had been reported from the Committee on Commerce with amendments. On page 2, line 5, after the word "within", to strike out "1 year" and insert "2 years," and in line 6, after the word "within", to strike out "3" and insert "4", so as to make the bill read:

*Be it enacted, etc.,* That the act approved December 16, 1940, authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada, be, and is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within 2 years and completed within 4 years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LAKE CHAMPLAIN BRIDGE COMMISSION

The Senate proceeded to consider the joint resolution (H. J. Res. 176) granting the consent of Congress to an agreement amending the original agreement entered into by the States of New York and Vermont to creation of the Lake Champlain Bridge Commission, which had been reported from the Committee on Commerce with amendments.

MR. AUSTIN. Mr. President, I wish to ask the Senator in charge of the joint resolution, or any one who knows, whether there is a provision in the measure which would make the bonds which are authorized by the compact to be issued by a corporation, which is, in effect, a municipal corporation, taxable by the Federal Government. Can any Senator answer the question? No answer being given, I ask that the joint resolution go over.

THE PRESIDING OFFICER. The joint resolution will be passed over.

MR. AUSTIN subsequently said: Mr. President, since rising and making inquiry about House Joint Resolution 176, I have been able to find the measure, and I find that there was stricken out, on page 7, lines 17 and 18, the following words:

Said bonds, and the interest thereon, shall be exempt from taxation.

So that if the bill were considered and passed, Congress would act upon a fundamental question, and I give notice that I object to this measure being considered on any consent call of the calendar. I hope this statement will be respected in the future.

MR. McKELLAR. Mr. President, if the joint resolution is otherwise all right, why not vote to reject the amendment, and let the joint resolution pass?

MR. AUSTIN. That would be entirely satisfactory to me, but I would not take advantage of the absence of the Senator in charge of the joint resolution.

MR. McKELLAR. I do not know about the matter in detail. Of course, the Senator would not want to do that.

#### EMERGENCY LAWS RELATING TO THE MERCHANT MARINE

The Senate proceeded to consider the joint resolution (S. J. Res. 130) to extend and amend certain emergency laws relating to the Merchant Marine and for other purposes, which had been reported from the Committee on Commerce with amendments, on page 1, line 8, after the words "time as," to insert "the Congress by concurrent resolution or"; on page 2, line 1, after "1940" to strike out "sub-title—Insurance of title II of the Merchant Marine Act, 1936, as amended (Public, Numbered 677, Seventy-sixth Congress), approved June 29, 1940"; on page 2, line 8, after "1941" to insert "and all authority of the Commission under such acts and resolutions, insofar as the same pertains to functions and duties of the Commission transferred to the Administrator of the War Shipping Administration by the President's Executive order of February 7, 1942 (numbered 9054; 7 Federal Register 837), shall be performed by such Administrator in conformity with such Executive order;" and on page 2, after line 15, to strike out section 2, as follows:

SEC. 2. The proviso in section 222 (a) (2), in subtitle, Insurance of title II of the Merchant Marine Act, 1936, as amended (Public, No. 677, 76th Cong.), is hereby repealed.

So as to make the joint resolution read:

*Resolved, etc.,* That the provisions of each of the following acts and resolutions, and all authority thereunder, are hereby continued in full force and effect until 6 months after the termination of the present war shall have been proclaimed or, in the case of any one or more of such acts and resolutions, until such earlier time as the Congress by concurrent resolution or the President may designate: Public Resolution No. 74, Seventy-sixth Congress, approved May 14, 1940; Public Resolution No. 82, Seventy-sixth Congress, approved June 11, 1940; Public, No. 831, Seventy-sixth Congress, approved October 10, 1940; Public Law 46, Seventy-seventh Congress, approved May 2, 1941; Public Law 101, Seventy-seventh Congress, approved June 6, 1941; Public Law 173, Seventy-seventh Congress, approved July 14, 1941; and all authority of the Commission under such acts and resolutions, insofar as the same pertains to functions and duties of the Commission transferred to the Administrator of the War Shipping Administration by the President's Executive order of February 7, 1942 (No. 9054; 7 Federal Register 837), shall be performed by such Administrator in conformity with such Executive order.

MR. LA FOLLETTE. Mr. President, will not the Senator from North Carolina give us a brief explanation of the joint resolution?

MR. BAILEY. Mr. President, the joint resolution proposes to extend the force and effect of certain emergency maritime



legislation which has heretofore been passed and approved. If there is any necessity for a statement, the Senator can find it, beginning on the second page of the report of the committee and at the top of the third page, a statement as to the several statutes the effect of which is extended until 6 months after the war. The committee inserted an amendment providing that the Congress itself by concurrent resolution may terminate the act.

Mr. LA FOLLETTE. If I understand the Senator correctly, no change is made in the existing laws which are proposed by this measure to be extended.

Mr. BAILEY. None whatever; it is merely an extension. If the Senator desires a full explanation, he can find it in the report, or, if anyone requests, I shall be glad to make a statement.

Mr. LA FOLLETTE. With the Senator's statement that there is no substantive change in the statutes which have already been enacted, so far as I am concerned, I do not care for anything further.

Mr. BAILEY. There is no change in the statutes.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### BRYCE CANYON NATIONAL PARK

The bill (H. R. 2300) to correct the description of land added to the Bryce Canyon National Park pursuant to the act of February 17, 1931, was considered, ordered to a third reading, read the third time, and passed.

#### CEDAR BREAKS NATIONAL MONUMENT AND THE DIXIE NATIONAL FOREST, UTAH

The bill (H. R. 2302) to adjust the boundaries of the Cedar Breaks National Monument and the Dixie National Forest, in the State of Utah, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### JURISDICTION OVER ISLE ROYALE NATIONAL PARK, MICH.

The bill (H. R. 3014) to accept the cession by the State of Michigan of exclusive jurisdiction over the lands embraced within the Isle Royale National Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### ADDITIONS TO ISLE ROYALE NATIONAL PARK, MICH.

The bill (H. R. 4386) to provide for the addition of certain lands to the Isle Royale National Park in the State of Michigan, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### MATANUSKA SETTLEMENT PROJECT IN ALASKA

The bill (H. R. 5413) to validate settlement claims established in sections 16 and 36 within the area withdrawn for the Matanuska Settlement project in Alaska, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

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#### CHICKAMAUGA-CHATTANOOGA NATIONAL MILITARY PARK

The bill (H. R. 6332) to revise the boundaries of the Chickamauga-Chattanooga National Military Park in the States of Georgia and Tennessee, was considered, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF JUDICIAL CODE RELATING TO COUNTY OF MERIWETHER, GA.

The bill (H. R. 6270) to amend subsections (b), (d), and (e) of section 77 of the Judicial Code so as to transfer the County of Meriwether from the Columbus division of the middle district of Georgia to the Newman division of the northern district of Georgia, was considered, ordered to a third reading, read the third time, and passed.

#### MULTNOMAH COUNTY, OREG.

The bill (H. R. 962) for the relief of Multnomah County, Oreg., was considered, ordered to a third reading, read the third time, and passed.

#### LT. COL. J. B. CONMY

The bill (H. R. 5605) for the relief of Lt. Col. J. B. Conmy was considered, ordered to a third reading, read the third time, and passed.

#### JOSEPH SIMON AND R. D. LEWIS

The bill (H. R. 5646) for the relief of Joseph Simon, lieutenant commander (S. C.), United States Navy, and R. D. Lewis, was considered, ordered to a third reading, read the third time, and passed.

#### HARRY KAHN

The Senate proceeded to consider the bill (H. R. 4665) for the relief of Harry Kahn, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "\$5,000" and insert "\$2,500."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### TOM G. IRVING AND OTHERS

The bill (S. 2187) for the relief of Tom G. Irving; Thomas G. Irving, Sr.; J. E. Irving; Mata D. Irving; L. T. Dale; and Amelia Dale, was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

*Be it enacted, etc.,* That the Attorney General is authorized and directed to satisfy and discharge of record as to the defendants hereinafter named, without cost to said defendants, the judgment recovered by the United States on June 26, 1933, in the District Court of the United States for the District of Arizona (No. L-908-Phoenix), against Thomas G. Irving, Sr.; J. E. Irving; Mata D. Irving; L. T. Dale; and Amelia Dale, as sureties upon the appeal bond given in the case of the United States against Tom G. Irving, such judgment having been rendered against the said sureties by reason of an alteration in such appeal bond which was made by an assistant United States attorney without notice to and without the consent of said sureties, or any of them, and after they had executed such bond.

#### ALLENE RUHLMAN AND JOHN P. RUHLMAN

The Senate proceeded to consider the bill (H. R. 5473) for the relief of Allene

Ruhlman and John P. Ruhlman, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out "\$5,221" and insert "\$2,721"; and in line 7, to strike out "\$3,185" and to insert "\$1,185."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### OLYMPIC NATIONAL PARK, WASH.

The bill (H. R. 4336) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### MAILING OF SMALL FIREARMS

The bill (H. R. 1793) to authorize mailing of small firearms to officers and employees of enforcement agencies of the United States was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. That completes the calendar.

#### AUTHORIZATION FOR COMMITTEE REPORTS, SIGNING OF BILLS, ETC.

Mr. BARKLEY. Mr. President, I ask unanimous consent that during the recess of the Senate, committees may be authorized to make reports on bills, resolutions, and nominations; that the Vice President or the Presiding Officer be authorized to sign bills and resolutions ready for signature; and that the Secretary of the Senate be authorized to receive messages from the House of Representatives.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### CONSOLIDATION OF POLICE AND MUNICIPAL COURTS OF THE DISTRICT OF COLUMBIA

Mr. McCARRAN. Mr. President, I should like to ask the Senator from Kentucky whether it is the intention of the leader that the Senate shall recess over until Monday.

Mr. BARKLEY. It is.

Mr. McCARRAN. Is there any specific business to come up on Monday?

Mr. BARKLEY. The unfinished business, the appropriation bill, will be the principal business on Monday. I hope it will not take long to dispose of it.

Mr. McCARRAN. I should like to state to the Senate at this time that it is my purpose to arrange to have the District court bill brought up on Monday, if possible; if not, then at the next session of the Senate after Monday. I make this statement so that those who wish to inquire into the District court reorganization bill, or wish to be present when it is considered, may avail themselves of the opportunity.

#### RADIO BROADCAST, MONDAY, MARCH 2, ON DEVELOPMENT OF WESTERN MINERALS

Mr. O'MAHONEY. Mr. President, I desire to take the liberty to announce

that on next Monday evening, at 9 o'clock eastern war time, the Secretary of the Interior, Mr. Harold Ickes, will engage in a radio discussion over the blue network with the chairman of the subcommittee of the Committee on Public Lands and Surveys, which has been studying western resources and the problem of developing mineral deposits in continental United States, and of the possibility of developing and utilizing power from water and power from coal. I believe this matter, which has been the subject of a good deal of attention by the Committee on Public Lands and Surveys, merits the consideration of the country at large. The broadcast will be under the auspices of the Washington Star, and is on the program commonly known as the National Radio Forum.

Mr. President, there has been a mistaken assumption that the efforts of western Senators and Representatives to draw attention to the neglected natural resources of the West have to do with a purely sectional problem. I dare say it is considerably more than a sectional problem. It has to do immediately with procuring for the United States the critical and strategic minerals which are essential to the winning of the war. It has to do also with the development of local economic independence in such a manner that when the war shall have been won, as it will be won, there will remain opportunity for the employment of men and money in developing American minerals.

I venture to express the hope that this announcement may come to the notice of many people throughout the country who, I know, are interested in the subject matter of this broadcast. The Secretary of the Interior, responding to a letter written by the chairman of the subcommittee of the Committee on Public Lands and Surveys, which was published in the CONGRESSIONAL RECORD on January 9, last, has laid before the committee, before the Senate, and before the country, a comprehensive program which, if adopted, will make it possible to undertake immediately the mobilization of our much needed resources.

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. BUNKER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORT OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Pollard Hugh Mercer, to be postmaster at Winnfield, La., in place of F. H. Mercer.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

#### THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

That completes the calendar.

Mr. BARKLEY. I ask that the President be notified of all nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be so notified.

#### RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 28 minutes p. m.) the Senate took a recess until Monday, March 2, 1942, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate February 26 (legislative day of February 13), 1942:

##### DIPLOMATIC SERVICE

Pierre de L. Boal, of Pennsylvania, now Envoy Extraordinary and Minister Plenipotentiary to Nicaragua, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bolivia.

Arthur Bliss Lane, of New York, now Envoy Extraordinary and Minister Plenipotentiary to Costa Rica, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

Boaz Long, of New Mexico, now Envoy Extraordinary and Minister Plenipotentiary to Ecuador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

Wesley Frost, of Kentucky, now Envoy Extraordinary and Minister Plenipotentiary to Paraguay, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

Robert M. Scotten, of Michigan, now Envoy Extraordinary and Minister Plenipotentiary to the Dominican Republic, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Costa Rica.

Avra M. Warren, of Maryland, now a Foreign Service officer of class 1, assigned as Chief of the Visa Division in the Department of State, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Dominican Republic.

James B. Stewart, of New Mexico, now a Foreign Service officer of class 1 and Consul General at Zurich, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Nicaragua.

#### NATIONAL HOUSING ADMINISTRATOR

John B. Blandford, Jr., of the District of Columbia, to be National Housing Administrator.

#### DEPARTMENT OF LABOR

L. Metcalfe Walling, of Rhode Island, to be Administrator of the Wage and Hour Division in the Department of Labor.

#### APPOINTMENT IN THE NAVY

Capt. Jesse B. Oldendorf to be a rear admiral in the Navy for temporary service, to rank from the 27th day of November 1941.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate February 26 (legislative day of February 13), 1942:

##### POSTMASTERS

##### OHIO

Ethel A. Compton, Blacklick.  
Martin M. Helwick, Bolivar.  
Alex C. Franz, Jr., Cleves.  
Robert L. Stygler, Gahanna.  
Harry G. Benjamin, Mount Blanchard.  
Lema M. Collins, Proctorville.  
Mable L. Sloan, Rushsylvania.  
Evelyn M. Barker, Sardis.

##### PROMOTIONS IN THE NAVY

The nominations of Bryson Bruce et al. for promotion in the Navy, whose names appear in full in the CONGRESSIONAL RECORD of February 18, 1942, under the caption "Nominations," beginning on page 1394.

## HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 26, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In the blush of a new day, our heavenly Father, again Thou hast spoken unto us. In the pale light and in the glimmering of the dawn, Thou hast revealed Thyself over all and above all; in the kingdom of the soul we pray for Thy merciful presence. While hearts may feel faint and sick, let our eyes grow dim with tears of gratitude that Thou hast counted us as Thy children, rejoicing that works of righteousness cannot be repressed but that they make secure the moral and spiritual destiny of man.

With thankful breath we pray that "God is good" and glory be unto Thy name, O Lord Most High. By untiring and unselfish devotion at the altar of our country enable us to pour forth songs of a robust faith and cheer into the arteries of the world's soul. May our daily pledge be to our conscience, our country, and to our God that we shall leave such a heritage that history will not willingly let die. On bended knee we ask for strength to live within the right, believing that the glorious earth is one great land with Thee as Ruler and eternal truth the only sword. In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communi-



cated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 16, 1942:

H. R. 2372. An act for the relief of Paul E. Cook;

H. R. 3118. An act for the relief of the State Compensation Insurance Fund of California; and

H. R. 5164. An act for the relief of Arthur W. Jorgenson, and the legal guardian of Robert R. Jorgenson, a minor.

On February 18, 1942:

H. R. 446. An act for the relief of the estate of Opal June Lindsay, Luck A. Lindsay, Thelma Louise Lindsay, and Laura Kathleen Lindsay;

H. R. 3225. An act for the relief of Dale L. Barthel and others;

H. R. 3647. An act for the relief of the San Diego Consolidated Gas & Electric Co.;

H. R. 4354. An act for the relief of D. H. Dantzier;

H. R. 4773. An act for the relief of Brooks Equipment & Manufacturing Co.;

H. R. 5040. An act for the relief of William Robert Shaneyfelt and Mildred Shaneyfelt;

H. R. 5282. An act for the relief of J. W. Daughtry;

H. R. 5572. An act to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain Navy and Marine Corps personnel and former Navy and Marine Corps personnel and certain Federal civil employees for personal property lost or damaged as a result of the hurricane and flood at Parris Island, S. C., on August 11-12, 1940," approved April 23, 1941; and

H. R. 5984. An act for the relief of Solomon Brown.

On February 19, 1942:

H. R. 5206. An act for the relief of Nettie Woolfolk Montague and Jerry L. Woolfolk and others; and

H. R. 6145. An act for the relief of Mason C. Brunson.

On February 20, 1942:

H. R. 329. An act for the relief of Lulu Heron;

H. R. 3539. An act to provide for the deposit and expenditure of various revenues collected at schools and hospitals operated by the Indian Service in Alaska;

H. R. 3542. An act to authorize the purchase from appropriations made for the Indian Service of supplies and materials for resale to natives, native cooperative associations, and Indian Service employees stationed in Alaska;

H. R. 3823. An act for the relief of Edwin B. Formhals;

H. R. 4198. An act for the relief of John King;

H. R. 5280. An act for the relief of G. F. Allen, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 5387. An act for the relief of Mrs. Anna M. Paul; and

H. R. 6225. An act for the relief of certain individuals in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho.

On February 21, 1942:

H. R. 5773. An act for the relief of Libby, McNeill and Libby; and

H. R. 6548. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1942, and for prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1942, and for other purposes.

On February 23, 1942:

H. R. 1905. An act for the relief of Mr. and Mrs. Michael Lewenczuk; and

H. R. 4831. An act for the relief of Katherine McCue.

On February 24, 1942:

H. R. 268. An act for the relief of James Wood;

H. R. 2712. An act for the relief of the Branchland Pipe & Supply Co.;

H. R. 2780. An act for the relief of O. C. Ousley;

H. R. 4537. An act for the relief of H. D. Bateman, Henry G. Conner, Jr., executor of the last will and testament of P. L. Woodard, and J. M. Creech;

H. R. 4622. An act for the relief of Catharine Schultze; and

H. R. 5056. An act for the relief of the Burlington Auto Co.

On February 25, 1942:

H. R. 2724. An act for the relief of the estate of Mary E. Philpot, Sandra G. Philpot, and Mrs. R. L. Keckler.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 5880. An act to abolish certain fees charged by clerks of the district courts; and to exempt defendants in condemnation proceedings from the payment of filing fees in certain instances.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2255. An act to establish a policy with respect to the disposition of agricultural commodities acquired by the Commodity Credit Corporation.

#### EXTENSION OF REMARKS

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include therein an article by Dr. N. R. Danielian, Director of the St. Lawrence Seaway Survey, United States Department of Commerce, entitled "Need for the St. Lawrence Seaway." This slightly exceeds the rule. I have an estimate from the Printer and the additional cost is \$123.75. I ask unanimous consent that it may be inserted notwithstanding.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I also ask unanimous consent to revise and extend my remarks and include an article by Mr. Richard L. Neuberger, of the Bonneville project, and Dr. Raver, Administrator.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COURTNEY. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the Daily Herald of Columbia, Tenn.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial from the Boston Post of Thursday, February 5, 1942, with a copy of the statistics on the reverse side of the editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and insert therein an editorial from that great independent newspaper of New Jersey, the Trenton Evening Times.

The SPEAKER. Is there objection?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. COURTNEY. Mr. Speaker, I ask unanimous consent that on Monday next, at the conclusion of the legislative program and any other special orders that may have been granted, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection? There was no objection.

#### CENSORSHIP

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

[Mr. WOODRUFF of Michigan addressed the House. His remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. H. CARL ANDERSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include therein an editorial by Mr. Wilbur Peterson, of the Marshall Daily Messenger, of Marshall, Minn., which newspaper, by the way, has several times received national recognition for its editorial excellence.

The SPEAKER. Is there objection?

There was no objection.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

[Mr. Young addressed the House. His remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an address made by the distinguished minority leader, the gentleman from Massachusetts [Mr. MARTIN], on February 18 at Phoenix, Ariz.

The SPEAKER. Is there objection?

There was no objection.

[By unanimous consent, Mr. ANGELL was granted permission to extend his own remarks.]

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record. I have an estimate from the Public Printer which shows that it slightly exceeds the space limitation. The estimate is \$101.25. I ask unanimous consent notwithstanding the extra cost, to extend this in the Record.

The SPEAKER. Is there objection?

There was no objection.

[By unanimous consent, Mr. PLOESER was granted permission to extend his own remarks in the Record.]

LT. FRANKLIN D. ROOSEVELT, JR.

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, we read in the newspapers that Lt. Franklin D. Roosevelt, Jr., who holds his lieutenantancy simply by virtue of accident of birth, although he has entirely

recuperated from a simple appendectomy, is being granted 1 month's shore leave so that the doctors may keep him under observation. The commanding officer of the Brooklyn Naval Hospital is quoted by the Associated Press dispatch as saying that the lieutenant is in fine condition.

Now, it is just this sort of thing that is causing so much criticism and justifiable resentment throughout the country. If the son of one of the poor families of your district or my district had completely recovered as has Lieutenant Roosevelt from an appendectomy, he would immediately be put back into the service after perhaps being given a few days in which to regain his sea legs. It simply symbolizes the vicious system whereby commissions are handed out on a silver platter and whereby the sons of prominent men are often given favored treatment in our armed services. I do not indict Lieutenant Roosevelt, but I do indict the practice of which he is a symbol—a practice whereby the sons of prominent men are advanced in rank above their more obscure fellows and become teacher's pets. There is no place for the slightest degree of favoritism in our armed services. Justice must be dispensed with an even hand to every man in the Army and the Navy. A soldier or a sailor from the humblest and most obscure family must stand on an equal footing in all respects with those who are members of the most prominent families in the land. That is a fundamental precept of our American form of government.

#### EXTENSION OF REMARKS

(Mr. JOHNSON of California and Mr. PADDOCK asked and were given permission to extend their own remarks in the RECORD.)

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make in the Committee of the Whole today and to include therein a letter addressed to me by the National Grange and one from the American Farm Bureau.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LT. FRANKLIN D. ROOSEVELT, JR.

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WOODRUM of Virginia. Mr. Speaker, I think we are sinking a little bit down the ladder in our thinking, and especially in our public utterances, when a Member of the House of Representatives takes the floor to make the criticism just made by the distinguished gentleman from New York who just addressed the House.

Lieutenant Roosevelt, the son of the President of the United States, has, I believe, a modest commission in the Navy—lieutenant, junior grade. He has been ill, he has been in the hospital. He is being kept there and he should be kept there until he has recovered and is physically able to return to the service. And this treatment, let me say to the gentle-

man from New York, is being accorded to every citizen in the United States armed forces today. The best we can give the boys, whether they be sons of the President or not, is none too good. We have appropriated hundreds of millions of dollars to give these boys fine environment in the cantonments and the very best in medical attention and medical treatment when they are ill. Shame on any man in this House who stands in the Well at a time like this and makes that sort of statement.

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HENDRICKS. Mr. Speaker, I did not know I was going to say a thing about operations when I first thought of asking for time, but I am constrained to do so by the remarks just made by the gentleman from New York. I have had an appendectomy and I assure the gentleman that while the operation may be simple, recovery absolutely is not, and one runs great danger in going back to work until he is fully recovered. I know the time Lieutenant Roosevelt was operated on and I know, regardless of what any doctor states, that he is not able to go back to active duty at this time.

I have not had much to say about criticism in the past, but I am going to have more to say about this sort of thing in the future. It is time the American people stopped this kind of foolishness.

I believe that Roosevelt junior is perfectly justified in not returning to duty until he is absolutely healed.

The purpose for which I rose was to say that we have had many splendid tributes paid to Florida's first hero of World War No. 2, Capt. Colin Kelly, but one of the finest tributes to be paid to him was that made by our colleague the gentleman from Alabama [Mr. BOYKIN] shortly after Captain Kelly's death. Not only did the gentleman from Alabama [Mr. BOYKIN] feel strongly about this matter, but he and his friends, Danciger Bros., of Fort Worth, Tex., have contributed \$500 to the Capt. Colin Kelly memorial fund and to Mrs. Colin Kelly. The people of Florida are grateful to FRANK BOYKIN and Danciger Bros., of Fort Worth, Tex., for this contribution and their splendid tribute to Captain Kelly.

I ask unanimous consent, Mr. Speaker, to extend my remarks and include a letter from the gentleman from Alabama [Mr. BOYKIN] and from Danciger Bros.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I was not on the floor when the remarks were first made about Lieutenant Roosevelt, but I have inquired and learned what was said. I join with the distinguished gentleman from Virginia [Mr. WOODRUM] in the answer he made.

The only effect of critical remarks of that kind is to undermine the respect of the American people for the President of the United States, a dangerous thing for men to play with in these days. It is an illustration of the sniping that is going on, individual sniping. That is all it is, individual sniping.

I know that every son of the President of the United States is seeking the most hazardous duty to which he can be assigned.

Members of Congress must discipline themselves the same as the American people in time of war. We have got to be hard-boiled. We have to discipline ourselves. As the leader of the House, as a Member of the House, and, as an American citizen, I urge that future utterances be tolerant and temperate, because we are playing with the future of our country. As the gentleman from Virginia [Mr. WOODRUM] well said the other day, our first task, not as Democrats, Republicans, or as members of any other group, but as Americans, is to win the war.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter that I have sent to my constituents, and also to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. EDWIN ARTHUR HALL]?

There was no objection.

#### CRITICISM

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I take the floor at this time not to offer criticism of the son of the President of the United States, but to defend the gentleman from New York [Mr. WILLIAM T. PHEIFFER] in at least one remark he made. He stated in substance that it is high time some consideration be given to the rank and file of American soldiery which is fighting so gallantly on every front that our Army and Navy have been assigned to defend.

Mr. Speaker, although the gentleman from Virginia [Mr. WOODRUM] was quick to criticize the gentleman from New York [Mr. WILLIAM T. PHEIFFER], it will be recalled that at the time I offered an amendment to give the boys in service transportation home during furlough, the same gentleman was just as eager to block that amendment as he is now to criticize other Members on the floor of the House. If you will read the RECORD of the debate which ensued over the Hall free furlough transportation amendment, you will find that the gentleman from Virginia [Mr. WOODRUM] characterized my proposal as "mushy-soft" legislation.

I urge that immediate consideration be given to the soldiers and sailors of the United States in the form of insurance for at least a \$5,000 policy to each man so that his dependents will be taken care of in case he does not return.

[Here the gavel fell.]

#### PENALTY FOR THEFT OF TIRES AND TUBES

Mr. TALLE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my own remarks in the RECORD.



The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. TALLE]?

There was no objection.

Mr. TALLE. Mr. Speaker, I rise to call attention to H. R. 6635, a bill which I introduced several days ago and which proposes to make the theft of tires and tubes a Federal offense during the period of emergency.

Because of the rationing now in effect as a defense measure, the theft of tires and tubes has become a serious national problem. Obviously the increase in value and the consequent increase in thefts of these articles are the direct results of the restrictions placed on their sale and use.

In normal times the theft of a small article of this nature comes under the heading of petty larceny and is properly within the jurisdiction of local authorities. Under present circumstances, however, the theft of a single tire might conceivably make a motor vehicle inoperative for the duration of the war, thus causing irreparable damage to the owner and placing a further strain on public transportation systems.

Mr. Speaker, this is a Federal problem. It grew out of Federal regulations. The criminal statutes pertaining to stolen tires in the several States were enacted before the present situation developed. In this connection, it should be noted that only about eight of the State legislatures are in regular sessions and special sessions are contemplated in only four or five additional States. Consequently, prompt revision of State laws would not be possible in many instances. Furthermore, the States are not in position to cope with interstate traffic in stolen tires.

In order to protect the motoring public under these conditions it is my opinion that Federal legislation is not only desirable but, in fact, urgently necessary.

Mr. Speaker, I expect to make a further statement concerning this matter in the near future. In the meantime, I plan to present to the House Committee on the Judiciary testimony offered by leading automobile associations and automobile insurance companies in support of my bill.

#### EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include an address recently made by the gentleman from Massachusetts [Mr. MARTIN].

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

Mr. JOHNS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the Record and to include therein an address delivered by Father Butler, of St. Norberts College, Green Bay, Wis.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. JOHNS]?

There was no objection.

#### NAMING OF PROPOSED DAM IN ARKANSAS "DOUGLAS MACARTHUR DAM"

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. ELLIS]?

There was no objection.

Mr. ELLIS. Mr. Speaker, I have just introduced H. R. 6679, providing for the naming of a huge dam now under construction in Arkansas "Douglas MacArthur Dam."

Douglas MacArthur was born January 26, 1880, at Little Rock, Ark. Gen. Douglas MacArthur, the Washington of the Philippines, with his handful of men holding off the full tide of an ocean of Japs, is writing daily new pages in the history of democracy, of Christianity, and of free men everywhere.

On the White River in my district this giant multipurpose dam, to be the fifth largest such structure in the Nation, is now 20-percent complete. It is being built by the United States Army engineers as a war project. It will be helping to make more aluminum and other materials of war long after those brave men of Luzon have completed their final victory.

I propose, Mr. Speaker, that just as we named the project on the Arkansas in Colorado "John Martin Dam" by act of Congress, we now name this project on the Norfolk in Arkansas "Douglas MacArthur Dam."

#### PARLIAMENTARY INQUIRY

Mr. BEITER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEITER. Mr. Speaker, a bill, H. R. 1057, known as the Postal Service employees longevity bill, passed the House on July 23, 1941. It passed the Senate in amended form on December 9, 1941, and has been in conference ever since December 10, 1941. Is there any procedure that the House may follow to discharge the conferees so that this legislation may be given final action?

The SPEAKER. If the gentleman will consult the rules and precedents of the House, he will find that the remedy is in rule XXVIII.

#### EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include an editorial from the newspaper, the Brooklyn Citizen, concerning the Greater New York Fund.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MARTIN J. KENNEDY]?

There was no objection.

#### AIR RAIDS OVER LOS ANGELES

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, out of the welter of rumors and reports—and it is certainly to be regretted our sources of news cannot be more accurate—about what may have happened in the skies over Los Angeles

yesterday, there is one thing that stands out clear and definite and that is the spirit in which the people stood up under the conditions that prevailed. Within about 2 minutes after the alarm was sounded I am informed there was a perfect black-out over our whole region. The people of that entire country maintained their calm and equilibrium in a remarkable way, in spite of the fact that there were apparently some actual casualties. There was no hysteria or undue excitement. Our people met a test which to them at least was very real and they met it in excellent fashion. I suppose a Member who represents some of those people has a right to say that.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, you are all familiar with the fake reports about air raids over Los Angeles yesterday. This matter was taken up with the War Department and much of this news was found to be sensational.

Why were unidentified planes fired on? This either was a practice raid, or a raid to throw a scare into 2,000,000 people, or a mistaken identity raid, or a raid to lay a political foundation to take away from southern California its industries. At any rate, they were successful in creating a hysterical condition among 2,000,000 people, apparently unnecessary.

What kind of procedure is this? It appears to be highly improper. Therefore, I am calling on this House to ask for the appearance of the Secretary of War, the Secretary of the Navy, and other subordinates responsible for this spectacle, to make proper explanation. The effect of this kind of activity will be to destroy the confidence of our people in the defense program and will break down their morale.

Our people ought to know whether this was a practice raid, whether it was a political raid, or what kind of a raid it was.

The morale of California is extremely high and our people can take the truth, but they do resent this program of misrepresentation and wonder what it is all about. They are not jittery, and were not hysterical, but are beginning to believe that the Army and Navy are. The truth should be given in this matter.

#### FEDERAL-AID HIGHWAYS

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, one of the most important, most satisfactory, and long-standing Federal-aid systems we have had is the contribution of Federal aid for highways. It was long before the New Deal era. I notice in this morning's paper that \$500,000,000 of such funds has been frozen for the duration,

and secretly frozen. It was just announced this morning. I protest this action. The roads of the interior are not so well completed as those on the coasts. For instance, I live on the direct line that goes through Wheeling, Columbus, Springfield, Hannibal, St. Joseph, and Denver. Only 50 miles of the 400 miles in Kansas are paved.

We have a number of contractors in the small towns in the interior who are dependent on this and similar work to keep operating and who are ready to go ahead with this work. They are not participating in defense projects. I believe this to be an unfortunate saving. There are so many things that could be done to save more effectively. This action affects everybody's district, more particularly those Members from the interior. It is a further destruction of small business and is a renewed blow at the Federal-aid system for roads.

[Here the gavel fell.]

#### GENERAL MACARTHUR

Mr. WILSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON. Mr. Speaker, of late we have heard a lot about naming dams, camps, streets, and cities after General MacArthur. I am thinking of how General MacArthur feels about this. He is not a cheap seeker of publicity and honor. He wants tanks, guns, planes, munitions, and men in the Philippines in order to prosecute this war. Let us honor him by getting them to him.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. Whatever else we do, let us not name a curfew after him.

Mr. WILSON. I am sure General MacArthur would concur on any plan that would restore efficiency and deliver arms to his brave and gallant men fighting against tremendous odds in the hell holes of Luzon Island.

#### EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

[Mr. COFFEE of Washington addressed the House. His remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to re-

vise and extend my remarks in the Record and include therein an article on Mr. Justice Douglas.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### DEFENSE INDUSTRIES

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

[Mr. HINSHAW addressed the House. His remarks appear in the Appendix.]

#### EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to insert, as an example of the use of "refined" English, a letter by the Honorable Harold L. Ickes and the reply thereto.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an article appearing in the Fort Wayne papers about the farmers in my district not accepting any more hand-outs from the A. A. A. for the duration of the war.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GILLIE. Mr. Speaker, I also ask unanimous consent to extend my remarks in the Record and to include a short article by Dr. Norman Sweet concerning fifth columnists.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein a radio address delivered by a former majority leader of the House, Hon. John Q. Tilson.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—DANIEL ELLIOTT AND HELEN ELLIOTT (H. DOC. NO. 641).

The SPEAKER laid before the House the following veto message from the President of the United States:

*To the House of Representatives:*

I return herewith, without my approval, H. R. 4998, "for the relief of Daniel Elliott and Helen Elliott."

The bill proposes to provide for the payment of the sum of \$500 to Daniel Elliott and the sum of \$3,000 to Helen Elliott, both of Baltimore, Md., as compensation for personal injuries and expenses resulting from a collision between an automobile in which they were riding

and a truck of the Work Projects Administration.

It appears that on October 29, 1940, Daniel Elliott, accompanied by his wife, was driving his automobile in the suburbs of Baltimore, near an intersection at which a flagman of the Work Projects Administration was stationed. The flagman waved to him to proceed into the intersection. Simultaneously, however, a truck of the Work Projects Administration entered the intersection at a right angle to the automobile and a collision resulted. The conclusion is warranted that the accident was caused by the negligence of an employee of the Work Projects Administration, and that, therefore, the Government should assume responsibility in the matter. Accordingly, the sum of \$343.10 has already been paid to Mr. Elliott administratively as compensation for damages to his automobile.

It is now proposed to pay him a further sum of \$500 to compensate him for hospital, medical, and other expenses which he has incurred, or may incur, for the benefit of his wife, Helen Elliott, who was hurt in the accident.

It is also proposed by this bill to pay her the sum of \$3,000. The evidence indicates that Mrs. Elliott's principal injury was a fracture and dislocation of the right elbow. She was in a hospital for 7 days and stayed away from her employment for a total period of 3 weeks, losing \$60 in wages. She does not appear to have sustained any permanent injuries of such nature as would prevent her from continuing in the occupation in which she was engaged at the time of the accident.

The balance of the proposed payment of \$3,000, amounting to \$2,940, must, therefore, be ascribed largely to pain and suffering. In dealing with claims for personal injuries, it is indeed proper to make a reasonable allowance for pain and suffering. I have frequently approved private bills in which an appropriate award for pain and suffering, in addition to medical and hospital expenses, was proposed to be made. In this case the proposed payment of \$3,000 appears to be excessive and far beyond an amount that would seem reasonable under the circumstances. If the bill provided for a payment of the sum of \$1,000 to Mrs. Elliott in addition to a payment of \$500 to Mr. Elliott, it would have appeared unobjectionable.

I regret that, under the circumstances, I feel constrained to withhold my approval from the present bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, February 26, 1942.

The SPEAKER. The objections of the President will be spread at large upon the Journal, and, without objection, the bill, together with the message, is referred to the Committee on Claims and ordered to be printed.

There was no objection.

Mr. SPRINGER. Mr. Speaker, I make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. COOPER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.



The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 30]		
Anderson, N. Mex.	Green	Patman
Arnold	Halleck	Pearson
Baldwin	Hook	Peterson, Fla.
Blackney	Jarrett	Pierce
Buck	Jensen	Rizley
Buckley, N. Y.	Johnson	Rogers, Okla.
Burkin	Lyndon B. Johnson, W. Va.	Sacks
Byron	Kennedy	Scheridan
Cartwright	Michael J.	Sikes
Cole, Md.	Kleberg	Smith, Pa.
Cole, N. Y.	Knutson	Sparkman
Copeland	Kramer	Stratton
Douglas	McGranery	Tolan
Eberhart	McIntyre	Vreeland
Fish	Magnuson	Walter
Gathings	O'Day	West
Gavagan	O'Hara	Wolfenden
Gearhart	Osmer	Worley

The SPEAKER. On this roll, 377 Members have answered to their names, a quorum.

Mr. COOPER. Mr. Speaker, I move to dispense with further proceedings, under the call.

The motion was agreed to.

#### WAR DAMAGE CORPORATION

Mr. SABATH, by the direction of the Committee on Rules, reported the following resolution (H. Res. 449, Rept. No. 1828), which was read and referred to the House Calendar and ordered to be printed:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into a Committee of the Whole House on the state of the Union for the consideration of the act (S. 2198) to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes. That after general debate, which shall be confined to the act and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the act shall be read for amendment under the 5-minute rule. At the conclusion of such consideration, the Committee shall rise and report the act to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the act and amendments thereto to final passage without intervening motion, except one motion to recommit.

#### SECOND WAR POWERS BILL, 1942

Mr. SUMNERS of Texas. Mr. Speaker, before moving to go into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2208, if I may be permitted, it is the purpose of the Committee to hold the House in session today until we finish the bill. If Members will stay in the Chamber, we will have a much better chance to adjourn early.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2208, to further expedite the prosecution of the war.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2208, with Mr. COOPER in the chair.

The Clerk reported the title of the bill.

Mr. DEWEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. DEWEY: On page 12, strike out lines 6 to 11, inclusive, and add the following by striking out the semicolon after the word "market" of the proviso, adding a comma and the following words: "except that such transactions in such obligations having maturities of 6 months or less need not be in the open market.", so that the proviso will read as follows:

"Provided, That any bonds, notes, or any obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities but only in the open market, except that such transactions in such obligations having maturities of 6 months or less need not be in the open market."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. DEWEY. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. DEWEY. Yes.

Mr. SMITH of Virginia. As the gentleman knows, it is my purpose to offer a substitute amendment to the amendment the gentleman from Illinois has just offered, as soon as I can obtain recognition for that purpose, and I am wondering if it would be agreeable to the gentleman from Illinois to have the Clerk read my amendment now for the information of the House.

Mr. DEWEY. I am agreeable to that.

The CHAIRMAN. Without objection, the Clerk will read the amendment to be proposed by the gentleman from Virginia [Mr. SMITH].

The Clerk read as follows:

Amendment to be offered by Mr. SMITH of Virginia as a substitute for the amendment of Mr. DEWEY: On page 12, line 11, after the word "interest", insert "to an adequate amount, not exceeding \$5,000,000,000."

Mr. DEWEY. Mr. Chairman, the purport of this amendment is to place some limit on the purchase of Government securities by the Federal Reserve banks directly from the Treasury of the United States. It is contended that this power will be used by the open-market committee and the Federal Reserve Board only in times of emergency.

I believe such power should exist in the Secretary of the Treasury and the Federal Reserve Board, cooperating together, to relieve our financial divisions of the Government from any anxiety or from any difficulty at the time of an emergency, but at the same time this is a historical way for creating inflationary movements. It is well known that dealings between the Treasury and a bank of issue generally bring inflationary expansion of the currency. There is always the claim that the power will be carefully used, and used only as an emergency exists, but I still maintain that the Congress should have some hold over the situation.

I admit there are daily reports from the Treasury and annual reports from the Federal Reserve Board to the Congress, but I think that in advance there should be laid down some limits to the

amount of securities the Federal Reserve System may purchase from the Treasury Department, or there should be laid down some limit as to the maturity and type of security that they may purchase.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. Briefly.

Mr. GORE. Is there any limit to the amount of securities which the Federal Reserve may now purchase?

Mr. DEWEY. I think \$65,000,000,000 is the amount of the public debt, and under the amendment proposed the Federal Reserve banks could purchase up to the limit of the public debt.

Mr. GORE. My inquiry applies to the amount which can be issued. The gentleman proposes now to limit the Federal Reserve Board in the amount that it may purchase from the Treasury.

Mr. DEWEY. I covered in that statement of mine as to limit the proposed amendment to my amendment by the gentleman from Virginia. My amendment only limits by maturity, permitting the Federal Reserve System to buy only securities that are of 6 months' maturity, to really cover the emergency; to cover an emergency around tax-payment dates when the Treasury needs cash to cover the lag in the receipt of taxes.

Mr. GORE. Mr. Chairman, will the gentleman yield further?

Mr. DEWEY. Briefly.

Mr. GORE. I believe we should all recognize that one thing we want to avoid is a repetition of what happened in the last war when each successive issue bore a higher interest rate. Our debt is now of such proportion that we could not stand that.

Mr. DEWEY. I would answer that directly, but I prefer to incorporate the answer in my general statement. I contended yesterday when speaking that competition between the Treasury Department and the open market does not reduce interest rates. It is the confidence in the securities, and we must have people keep their confidence in the securities. But if there are dealings between the Federal Reserve and the Treasury, that confidence may be lost. For that reason, I believe there should be some limit as proposed by the gentleman from Virginia [Mr. SMITH] or as to the limit as to maturity which will cover short-term periods when an emergency might exist. For that reason, I believe, without any partisanship at all, but thinking very carefully of the future stability of our currency and future stability of our Government securities, that the House should give this matter very careful consideration.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. I yield.

Mr. SMITH of Ohio. This provision in the bill is proposed as a temporary expedient? The provision in the bill is to meet a temporary situation; that is true, is it not?

Mr. DEWEY. That is true.

Mr. SMITH of Ohio. And probably not lasting certainly more than a period of a few months; let us say 6 months?

Mr. DEWEY. That would certainly be all that I could see, for the simple reason

that the Treasury has already met probably the greatest emergency they will have to meet, because at the time of Pearl Harbor they had an offering out of over a billion dollars, and it was handled in the old, traditional way that it has always been handled—through the open market.

Mr. SMITH of Ohio. Practically all that you propose is that this be limited to that particular thing—an emergency or a short-period proposition?

Mr. DEWEY. That is what the proponents of the amendment kept mentioning and what the members of the Federal Reserve staff kept reiterating. This is to take care of an emergency situation.

Mr. SMITH of Ohio. In other words, you do not want it to be made a policy of the Government merely for the Federal Reserve banks to take any amount of securities that the Treasury might offer to them?

Mr. DEWEY. They should not, because it is their announced policy that they wish to sell securities to the people and not to the banks.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. I yield to the chairman.

Mr. SUMNERS of Texas. It is the understanding of the committee, I believe, that that arrangement which the gentleman just mentioned was consummated by agreement in advance on the part of the Federal Reserve banks that they would take this billion and a half issue off of the hands of the purchasers from the Treasury.

Mr. DEWEY. That is always the way, except instead of taking it direct, it has been traditionally customary ever since there has been an open-market committee for the banks to come in and subscribe, and anything that they cannot distribute to the people, the Federal Reserve System, performing the functions for which it was set up, takes that surplus off the hands of the banks and distributors. That was done.

Mr. SUMNERS of Texas. Now, what is the difference, insofar as the strain or danger upon the System—what is the difference in substance if the Federal Reserve banks take this issue directly from the Treasury or these buyers of the bonds, who want to get some profit, take them from the Treasury and then sell them to the Federal Reserve banks?

Mr. DEWEY. I do take exception to saying that an organization of people that has been in business since 1917 is insisting on this in order to get a little profit. They do not do that. It is a service, and they get precious little for it—31¼ cents per \$1,000 bond. But I believe it is an advisable thing to keep the distributing service alive at this time. It would be exactly as if Ford said, "The Ford car will sell itself and we do not need any more agents." We will need a precious number of agents to distribute our defense bonds, and I believe that system should be carried on. If it were an exorbitant fee, or if it was a fee that was demanded to be increased, that would be something different.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that the gentleman may have 2 additional minutes. I want to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. What we are all trying to get at is what is the difference in the strain upon the credit and the power to issue, or in the public danger, between the sale of these bonds by the Treasury directly to the Federal Reserve banks and the sale of these bonds to the distributors who in turn sell to the Federal Reserve banks such of the issue as they cannot distribute otherwise?

Mr. DEWEY. One is the well-known and traditional way of distributing Government securities. It has been employed since 1917 from the time of the first Liberty Loan. The other system has a history and tradition of loose banking. There has been so much talk of its use and about what has happened in Germany and what has happened in France that I think it will have a bad psychological effect on our people.

Mr. SUMNERS of Texas. But would the gentleman address his explanation directly to the question, and that is: What is the difference between the perils to the Federal Treasury or Government of Federal Reserve banks buying directly from the Treasury or buying from those to whom the Treasury sells? That is the question.

Mr. DEWEY. I will answer that question. If the Treasury sells to the distributors and the Federal Reserve bank takes the surplus off the distributor's hands, at least some of the securities have stayed in the hands of the public, whereas, if they go directly from the Treasury to the Federal Reserve bank they do not pass through the distributor's hands but later on will have to be distributed—I hope—by the Federal Reserve bank through these same distributors. How will the Federal Reserve bank, unless it intends to purchase and keep these securities, ever get rid of them?

[Here the gavel fell.]

Mr. DEWEY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes. I have been very liberal with my time.

Mr. WHITE. Mr. Chairman, reserving the right to object, will the gentleman yield to me during these 5 minutes?

Mr. DEWEY. I will yield as far as I can, but I think the gentleman will agree that for the most part of my time I have yielded to everybody. I have said very little for myself.

Mr. WHITE. I would like to further answer the question of the gentleman from Texas. Will the gentleman yield to me if I do not object?

Mr. DEWEY. I will yield to the gentleman if he will let me use part of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. I yield to the gentleman from Idaho.

Mr. WHITE. Answering the gentleman from Texas as to these bonds being in

the hands of the distributors and the Federal Reserve banks, there is a very great difference between the privileges a distributor would have and a Federal Reserve bank. The Federal Reserve bank could use them as eligible paper for the issuance of currency. The distributor would not have that privilege. Is that right?

Mr. DEWEY. That is right.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. I yield.

Mr. GIFFORD. I want to call the attention of the distinguished gentleman from Texas to the fact that there is a very great difference. The Treasury could call the Federal Reserve banks on a small issue and the public need not know anything about it. You know the power of the Federal Reserve banks to distribute issues if they needed to do so; and the rate of interest can be held down by that method. We all know and can see very plainly where that quiet little method of working together would obviate the necessity of going to the general public, which would demand a pretty high rate if they were for any term of years. I want to say to the gentleman again that the tremendous amount of short-term issues already outstanding will soon require refinancing for a long period.

Mr. DEWEY. My time is running.

Mr. GIFFORD. I am sorry.

Mr. WIGGLESWORTH. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. I yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Further answering the gentleman from Texas, does not all recent history show that nation after nation after nation in times like these, when they have allowed their treasury to obtain funds directly from central banks of issue, that the temptation is too great to resist and that road leads on to uncontrolled inflation?

Mr. DEWEY. That is the history, and I think that it creates a bad psychology.

Mr. WOLCOTT. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. I yield.

Mr. WOLCOTT. Still further answering the gentleman from Texas, the Treasury exerts tremendous power over the Federal Reserve banks and they could not decline to execute the policy of the Treasury. The law at the present time allows the Treasury to dominate the policy of the Federal Reserve Board. Section 10, paragraph 6 of the Federal Reserve Act reads:

Wherever any powers vested by this act in the Board of Governors of the Federal Reserve System or the Federal Reserve agent appear to conflict with the powers of the Secretary of the Treasury such power shall be exercised subject to the supervision and control of the Secretary.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. DEWEY. For just one question.

Mr. THOMAS F. FORD. Did not the Federal Reserve Board have the right to purchase these bonds prior to 1935?

Mr. DEWEY. They had that right until 1935.



Mr. THOMAS F. FORD. And the country did not go broke, did it?

Mr. DEWEY. I have answered the gentleman's question.

Since this war started many, many central banks of issue were ruined simply because the country followed that system; and in every reorganized country after the first World War one of the factors laid down most clearly was that there should be no dealings between the Treasury and the central bank of issue except at arm's length.

Mr. WHITE. Mr. Chairman, will the gentleman yield for a brief question?

Mr. DEWEY. I think I must proceed, my time is running.

Mr. SUMNERS of Texas. I must suggest to the gentleman that I cannot agree to any further extension of time.

Mr. DEWEY. I agree with that.

May I say in closing that I hope this House will view without partisanship but with great care this amendment, which is basic as far as the good of our securities is concerned. I believe there should be some limit somewhere by the Congress over the dealings between the Treasury and the Federal Reserve Board.

Mr. WHITE. The primary objective of open-market transactions is simply a brake on inflation and to control the volume of currency and credit through open-market transactions. Is that not the primary object of that?

Mr. DEWEY. Yes; it is.

[Here the gavel fell.]

Mr. STEAGALL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. DEWEY].

Mr. Chairman, reference was made to the matter of jurisdiction of this legislation, but that question is not before us now. The question of jurisdiction is really not important in comparison to the extreme importance of this legislation. The question now is the passage of the bill. I am glad to give my wholehearted support to title 4 of the bill as reported by the Judiciary Committee.

This provision, as has been stated, would simply restore to the Federal Reserve Act the exact language that was in the original law which obtained throughout its history down to the time of the passage and approval of the Banking Act of 1935. At that time it was thought by some that this method might tend to encourage extravagance. The Senate passed a provision striking from the law the authority of the Treasury to sell its obligations directly to the Federal Reserve banks. It so happens that the distinguished Senator from Virginia, Senator GLASS, who is the author of that provision in the banking bill of 1935 unreservedly approves and supports now the provision incorporated in the bill before us.

The simple fact is that there is not the slightest difference between the different plans for selling these bonds, whether bought by the public or sold directly to the Federal Reserve banks, insofar as the danger of inflation is concerned. Under the existing law they are bought by the banks of the country, and principally by a few banks, mainly in one city. It

should be understood by all that the authority of the Federal Reserve banks to issue currency upon obligations based upon Government is just exactly the same with regard to obligations held generally by the general banks of the country as would be the case as to obligations that would be sold directly to the Federal Reserve banks.

Much has been said about inflation. Let me say that it is possible under existing law, this very day, to expand our currency more than \$50,000,000,000 by the use of the gold coverage which we are prepared to supply, and by supplemental Government bonds now available for use by the Federal Reserve banks as a coverage for currency. In addition to that, we have the power to issue three billions in currency and the Federal Reserve Act specifically authorizes the use of eligible paper as cover for Federal Reserve notes. It is possible now, under the present law, to increase our currency more than \$50,000,000,000, which means that we could have an expansion by the use of the currency and credit so created to the amount of more than \$250,000,000,000 overnight. So, with all due respect to the learned gentleman who has just addressed the House, there is no valid reason for opposition to the adoption of the provision of the bill as it stands.

The temporary operation of the proposal is not the only thing that is important. Let us be frank about it. We are engaged in a stupendous task in financing our part in this unprecedented World War. We do not know how great the demands will become. Let us not disparage the credit of our Government. Let us not throw a monkey wrench into the machinery which is so important and which may become indispensable to the successful financing of this war. We must not hamstring the Treasury and Federal Reserve System in conducting the necessary operation to win the war. That is what we will do if we adopt the proposed amendment. The provision contained in title IV is the most important provision of the entire bill. The proposed amendment would defeat its purpose. It would be more desirable to eliminate the proposal than retain it with the amendment.

[Here the gavel fell.]

Mr. ROBERTSON of Virginia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my distinguished friend from Illinois is one of the best-posted men in this House on the subject of Federal financing. He is a former Assistant Secretary of the Treasury, and I would not presume to pit my judgment against his in a matter of this kind. In opposing his amendment, I will tell you whom I am following. I am following the unanimous action of the Board of Governors of the Federal Reserve bank, a private banking system speaking for private capital, even though under some measure of Federal control. I am following the American Bankers Association that has given this bill its approval and endorsement. I have seen two splendid editorials in the New York Times. No one would accuse that paper of ad-

vocating inflation, controlled or uncontrolled.

Tom Paine was quoted on the floor of the House this week as saying at Valley Forge:

These are the days that try men's souls.

I quote Tom Paine as saying:

Credit is suspicion gone to sleep.

These are again times that try men's souls; these are the times when people must have confidence in the security of their Government bonds. Let the Government undertake after some bad war news to float a loan of three, four, or five billion dollars to meet a contemplated expenditure which may run at the rate of \$5,000,000,000 per month for the next fiscal year and the open market refuse to take those bonds, suspicion that should be asleep will be struck awake, confidence will be destroyed, and down goes the credit of the Government, pulling after it every bank in this Nation.

A former Senator from Mississippi, John Sharp Williams, a great man, said:

I am a Senator of the United States from Mississippi. The senior Senator from Virginia can justly make the same statement. He belongs to the Nation, and all have respect for his judgment in matters of this kind.

This provision disturbed me, and I went privately to Senator Glass and asked him:

Senator, what must I do?

He said:

Willis, these are critical times. My advice to you is, do not rock the boat.

I am going to vote for this section and against all amendments that may be offered to it. I give you for what you may think it is worth the reasons for my doing so, the Federal Reserve Board, the American Bankers Association, and an outstanding authority of America on the subject of sound fiscal policies.

Mr. SUMNERS of Texas. Mr. Chairman, I should like to see if we cannot arrive at some agreement as to the time for debate on this section. I ask unanimous consent that all debate on this section and all amendments thereto close in 25 minutes.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Chairman, this is a very important amendment and 10 Members are standing seeking recognition. If each of them should have 5 minutes, that would be only 50 minutes.

Mr. SUMNERS of Texas. All right; let it go a little while yet.

Mr. WHITE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the first place, a provision as important as this has no business in a bill of this kind. The provisions included in this title should receive very careful consideration from qualified Members of the House composing the Committee on Banking and Currency before being brought in here to be hurried through as a part of an omnibus bill.

I am very much interested in the qualifications of the gentleman who is the author of the pending amendment, a banker from the State of Illinois, who

I am told was a financial adviser to the Government of Poland. If he was ever a financial adviser to Poland, he certainly should be qualified to deal with shaky finance.

Back in the good old days before the depression of 1929, before all the governments were forced off the gold standard, Poland attempted to circulate brass zloty pieces and tried to make them popular with the people of Poland. James Harvey Rogers, the eminent economist from Yale University, cited Poland as a great example of a shortage of an adequate reserve in support of the national currency, which stymied international business. If a man in this country found a customer in Poland, at the time, when our good friend was probably financial adviser to Poland and when Poland had scanty gold reserves, and if a citizen of Poland went to his Polish bank with Polish money to get exchange to remit for international consignment purchased in this country, he was simply refused banking exchange acceptable in this country because, they said, they could not possibly let their international exchange go out, as it would come back as a draft on their scanty gold reserve. This was a barrier and a blockade to international business. That is the kind of monetary system they had in Poland.

The good chairman of the Committee on Banking and Currency said, "Let us not rock the boat, let us not upset the credit of this country." I am wondering which is worse, an unbearable interest load piled on the backs of the American people, or the so-called inflation. There was a time in the history of this country when the Members of this Chamber were confronted with a great emergency. There was a shortage of credit and cash. Abraham Lincoln met that emergency by issuing interest-free Treasury notes, so-called greenbacks.

Mr. Chairman, if we are going to issue unlimited credit by the Government, let us not pile an interest load on the backs of the American people, a pyramid that cannot be supported, an inflation that will destroy the financial reserves of this country. Let us take over the Federal Reserve System. Let it belong to the Government. If the American people are going to be forced to pay interest as a control of inflation, let them pay it to themselves.

We do not hear anything from this eminent banker who comes here from the city of Chicago to advise us how to run the banking and fiscal policy of this country about relieving the people of America of the interest load by letting the Federal Reserve banks be taken over by the Government. If there is interest to be paid, if that is the price of controlling inflation, let the American people have that interest and not a little group of bankers who are going to undermine and destroy every financial foundation of this country.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Montana.

Mr. O'CONNOR. Has the gentleman seen any particular evidence of an infla-

tion in the price of mine products or farm products or livestock?

Mr. WHITE. The fiscal record of this country in the last 8 years has exploded every argument, every false statement that has been made here about the use of a metallic money as the foundation of our fiscal system.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, if the amendment offered by my colleague, the gentleman from Illinois [Mr. DEWEY] is not adopted, I fear this will be a very sorry day for the American people. I say this with all sincerity. Whether we who are opposed to inflation succeed in convincing this committee and this House that this title as proposed is bad legislation, I want it distinctly understood that there should be no detraction from the sincerity with which we present this issue. There is not going to be very much satisfaction on the part of any of us who oppose inflation in being able to say, "I told you so," 6 months, a year, or perhaps 2 years from now when property values have been wiped out as they were wiped out in Germany, and when the American dollar has depreciated perhaps 90 percent, as the franc depreciated from its par.

At least, there is some doubt about the feasibility of this legislation. There is doubt as to the necessity of buying obligations direct from the Treasury by the Federal Reserve. That doubt should be resolved in favor of conservatism and sound fiscal policies. This Congress will be in session for a good many months without very much interruption. The Treasury and the Federal Reserve have not as yet made out a case of necessity. It is all right for individuals to say it must be done, but the chairman of the Board himself tells us that they do not expect to use this power except in case of emergencies.

We are providing the machinery in the Dewey amendment for him to smooth over those periods of disruption without bringing about fear of inflation in the face of an intense effort to finance this war.

Somebody suggested that we should not rock the boat at this time. My heavens, Mr. Chairman, what does this proposal in this bill do but rock the boat? It rocks the very foundation of an otherwise sound economic system. It gives encouragement to the rumors that our bonds are in jeopardy. And let me tell you of a personal experience, if I may be pardoned. My youngster, 12 years old, had \$40 saved up and he said, "Dad, what shall I do with it?" I said, "Go down and buy some Defense bonds and some stamps." He said, "Oh, Billy tells me the bonds are not going to be any good; that we are going to have inflation."

That is the answer to this. My 12-year-old boy talking about inflation in the same breath that defense bonds are mentioned. Here, after struggling for months on a price-control bill to prevent inflation, we are today offsetting all the benefits of that legislation by throwing the very fear of God into the American people who must finance this war effort.

If it is not necessary, if the Federal Reserve has not made out a clear case of necessity, then it is our duty to look into this further before we act.

This is what they say about it. You heard quoted a New York paper. Let me quote an editorial from a New York paper, the Wall Street Journal, which is pretty close to business and industry and banking, and they say:

Considering the 12 Federal banks of the Reserve System as a single central bank, a purchase by any 1 or by all 12 of Government bonds directly from the Treasury would be in its nature the precise equivalent of the transactions during and after the last war between the Reichsbank and the Banque de France and their respective governments. In both those cases the government borrowed from the central bank directly. Both banks were banks of issue and, as all remember, the result was the orgy of inflation which wiped out the German mark and destroyed 90 percent of the French franc. Theoretically, direct borrowing by the Treasury from the Federal Reserve System, if indefinitely continued, would produce the same results with the Federal Reserve currency. At present the law contains provisions restraining this process by imposing a minimum ratio of reserve to be maintained by the System against both reserve deposits of member banks and note issues. Continuance of these provisions in the law would exclude or at least postpone any such consequences as those in the cases of the franc and the mark.

[Here the gavel fell.]

Mr. GIFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, as my remarks will be rather directed to the chairman of the Judiciary Committee I regret that he is out of the room. He asks "What is the difference between these methods." Said the Englishman to the Scotsman, "We are all Englishmen and after all there is very little difference." The Scotsman replied, "Thank God for the difference."

There is a great difference. This limitation is against opening the door making the sky as the limit. The gentleman from Illinois has made it clear that his amendment takes care of emergencies and we should not be asked to go beyond that. Contemplate the danger of this proceeding. No longer would the Treasury have to worry about offerings of securities to the people. You know how these offerings are now made, do you not? The governors of the Federal Reserve bank consult the large bankers as to how much of the issue should be short term and how much long term and what rate of interest they think would have to be offered. There is, of course, a good deal of worry as to whether the public will respond. In recent years, it has usually been decided that only about half of the issue should be for long terms, 5 years, 10 years, perhaps, and the other half should be short-term notes. This seems to have been the plan for the last several years.

Consider the Treasury needing money and quietly calling the Federal Reserve bank and require them to take bonds at a low rate of interest, well knowing their authority or influence in distributing them quietly to member banks.



I have heard it said here that the banks suffer no duress in being forced to take these issues. Not true. Some large bank in some large city would act as agent for the Federal Reserve. They call up the other member banks and say: "You have been allocated so much." Sometimes these banks reply: "We do not want them." Then the answer is usually this, as one of the directors of a bank has told me, and I can well believe it is quite true, "If you do not take this allocation you might be placed on the black list of the Federal Reserve. Sometime you might have a little difficulty in discounting with them." Direct statement need not be made, a slight suggestion would be all that would be necessary. This should be expected and only slight pressure would be needed. It is perhaps proper that they should use this pressure, but do not attempt to deny that they do not do it. What bank would dare to refuse to accept the allocation? They usually accept but often sell the bonds as early as possible.

This present proposal is an easy way of financing the Government and holding down interest rates. I have often argued on this floor that it is a pity that the savings of our people could not command a little more interest and a higher return on their investment.

Now, there is a great difference in this language and the Dewey amendment. The Dewey amendment fully takes care of any emergency. It is a protective suggestion. I want to remind the chairman of the Judiciary Committee, the gentleman from Texas, who twice recently has lectured the House on the dangerous pace we have been traveling, and that he had voted for many things that he, perhaps, ought not to have voted for. He advised us to watch our steps in the future. Before he delivers any more of those lectures I want some votes of his to prove that he means what he says, and here is a splendid opportunity for him to apply the brakes. Like Pat, in handling live electric wires, he said, "I feel them very carefully before I take hold of them." We all appreciate the possible danger of this legislation, and here is a chance to place a limitation. Later on, if the necessity arises, as it may, we will grant further authority. We will weigh the wisdom displayed by those in authority in the use of the power already granted. The gentleman from Virginia [Mr. ROBERTSON] said that he was going to take the advice of the Federal Reserve Board. Take the advice of a board or commission that desires the power? Doubtful advice, is it not? Are they the best ones to advise us when we know their great thirst for more and more unusual powers?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SMITH of Ohio. Mr. Chairman, I move to strike out the last two words. First, I want to answer the question raised by the gentleman from Texas [Mr. SUMNERS]. I see he is not on the floor at the present time, and I wish he were. If I understood his question correctly, it was this: What is the difference between the method of financing as provided in title IV of this act and the policy of the Fed-

eral Reserve in buying in the open market at the present time? It may be that I confuse somewhat the question asked by the gentleman from Texas [Mr. SUMNERS]. It may be he asked the difference between the method of financing proposed under title IV and the present method of distributing bonds and Government securities to the commercial banks through the Federal Reserve System.

What is the difference between financing proposed under title IV and the present method of buying in the open market? The difference is this, and it is very vital. When the Federal Reserve buys in the open market at the present time, it pays for the securities it purchases with its assets, with the assets of the Federal Reserve bank. There is an exchange of value for value. Under title IV what the Federal Reserve bank will do is this: It will set up to the credit of the Treasury the amount of the securities which it takes over.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Ohio. I would rather not yield now. It sets up a credit to the Treasury for the amount of securities it takes from the Treasury. Then the Treasury merely issues checks against this credit to pay its current obligations. In effect, what actually happens is this: For the time that the Federal Reserve bank holds these securities, it does nothing more or less than print money, and when it disposes of those securities, if it should dispose of them through the commercial banks, it may still be simply carrying on the process of printing money. Nevertheless, we should understand the difference between the proposal in title IV and the present open-market policy. In the one instance, the Federal Reserve pays for the securities it takes over with its assets. In the other case it merely sets up a credit in favor of the Treasury.

There is, however, no fundamental difference between the policy of purchasing securities by the Federal Reserve under title IV of this proposed act, and the present method or policy of distributing the securities to the commercial banking system. In the end both are simply processes of printing money. We have gone a long way from orthodox financing. I now yield to the gentleman from California.

Mr. VOORHIS of California. I agree with the gentleman completely in his statement that the Federal Reserve, when it takes these bonds, will buy them with new credit which it creates, and also with the statement that there is no difference between that and the sale of bonds to the commercial banks, but I do not agree with the statement that the Federal Reserve bank uses assets to buy bonds in the open market. I believe they use Federal Reserve credit, backed, it is true, by their power to create notes, if those notes are asked for by the bank; but I am not quite positive that is what the Federal Reserve banks use when they purchase bonds on the open market. It is merely Federal Reserve credit.

Mr. SMITH of Ohio. The gentleman is perhaps 60 percent right, with respect to the situation to which he refers, where

Government securities are used as collateral for Federal Reserve notes. It should be remembered that even where Government securities are so used the Federal Reserve Act still requires 40 percent gold coverage for the notes.

Mr. VOORHIS of California. There would have to be when the notes are issued. They must be backed by some power of the Board to create the notes, but that is the same power as the power to create credit.

Mr. WHITE. The gentleman from California says they do not use assets. Does the gentleman say they have credit without assets?

Mr. VOORHIS of California. I say precisely that.

Mr. SMITH of Ohio. The statements I have made are on the basis solely of the provisions in the Federal Reserve Act.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SMITH of Virginia. Mr. Chairman, I offer a substitute amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia as a substitute for the amendment offered by Mr. Dewey: On page 12, line 11, after the word "interest", insert "to an aggregate amount not exceeding \$5,000,000,000".

Mr. SMITH of Virginia. Mr. Chairman, I think many of us at least will agree that the next worst thing to losing this war would be wild, uncontrolled printing press inflation. A good many of us are afraid that is just about what this is going to lead to. I think everybody here wants to give to the Treasury and to the administration every power that is necessary to win this war, but I think we do not want to give them any powers that are not necessary.

This matter caused a good deal of discussion in the Committee on Rules when we had the application for the rule before us. Mr. Goldenweiser, economist from the Treasury Department, came to talk to us about it. He said very frankly that the transactions contemplated here would be just the creation of money. I have always understood that the creation of money was just another name for inflation. I do not want any more inflation than we have to have. So I have offered what I think is a common sense solution of the difficulty, which will give to the Government all the power that they said they needed. All the power they said they needed was the power in instances such as Pearl Harbor, where an offering of bonds was imminent and where there was a fear that by reason of some disaster that might occur the bond market would be demoralized for the moment, and that therefore they needed this power only in case of emergency and did not expect to use it except in cases of emergency. Therefore, I have offered what I regard as a very practical proposition, namely, to give them the right to do what they ask to do, but put a ceiling of \$5,000,000,000 on it. That gives them everything they need. Why give them something they say they do not need, which will have the danger of printing press money?

I am not criticizing anybody and I am not saying it is going to happen, but when we are dealing with legislation, when we are granting powers, we must be careful that the powers which we grant are not so great that something unforeseen and unintended may happen. That is exactly what I am trying to do.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Just excuse me for a moment.

Now, you can readily see that with this created money, if it was desired to be done, all they would have to do would be to take a truckload of bonds from the Treasury down to the Federal Reserve every morning and bring back a truckload of printing-press money and scatter that throughout the country. Now, that can happen under this bill. Why let it happen, when by a limitation of \$5,000,000,000 on the aggregate we can prevent such a thing happening?

Mr. DEWEY. Will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. DEWEY. I would say that I think the gentleman's amendment is doing just exactly what my amendment attempted to do, and I would be willing to withdraw my amendment in favor of his.

Mr. SMITH of Virginia. I thank the gentleman.

Mr. MAY. Will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Kentucky.

Mr. MAY. The only thing you limit them on is the amount?

Mr. SMITH of Virginia. Only the amount. It is just as if you went down to the bank to get yourself a line of credit, and the bank said, "We will give you a line of credit of \$5,000." You say, "I may need \$10,000." The bank says, "All right. Go out and spend that \$5,000, and if you do it wisely, you come back and we will give you another line of credit." That is all I am asking to do for the United States Treasury.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, yesterday in speaking on this matter I left the impression that I would support the Dewey amendment, under certain conditions. I stated at that time that I had not discussed it with Mr. Dewey. Since then I have had occasion to read the amendment offered by the gentleman from Illinois. I do not believe I could go along with that at all, because, as I understand it, it would tend to drive all of the paper issued under this particular title into 6 months or less as to maturity. Is that correct?

Mr. DEWEY. It would attempt to cover what has been usual in the past, that is, a temporary emergency, which would be supposed to be of less than 6 months' maturity. They would refund those 6 months or less maturities with permanent securities.

Mr. CRAWFORD. Now, if we run into a situation where it would be extremely difficult to refund, then your debt would tend more and more to move into short-term paper, which to me is terribly dangerous. That is about the only objection

I have to the demand call feature of the present Defense bonds. We are building up potential billions of dollars of call on the Treasury by the holders of Defense bonds who can come and call for the redemption of those bonds. So, I think the gentleman from Illinois is very smart in offering to accept the substitute amendment offered by the gentleman from Virginia [Mr. SMITH]. I am in favor of the Smith amendment and would be glad to support that. That amendment, as I understand, limits the amount to \$5,000,000,000 the Reserve banks are to purchase and hold at one time. Should this prove insufficient, Congress could certainly amend and increase to the amount experience requires.

I think that \$5,000,000,000 would take care of at least 60 days financing of this type on a 60 billion annual budget, or on a basis of 5 billion a month outgo from the Treasury. So it seems to me a 60-day authorization would probably be all that the Board of Governors or the Treasury would come up here and attempt to justify. I have not talked to either group since the bill was called up; I do not know what their present position is except what I have heard in the debate and read in the Record, but I do not believe they would aggressively try to obtain more than a 60-day coverage.

Mr. EATON. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. EATON. Since this legislation is of such profound importance to the future of this country and there is such a difference of opinion as to its validity and practicability, why would it not be a good thing to cut out title IV entirely, refer the thing to the Banking and Currency Committee and have a bill brought in here after proper hearings, a bill that we could agree on?

Mr. CRAWFORD. I do not suppose the members of the Banking and Currency Committee would object to that, and I do not know that the Board of Governors or the Treasury would object to it, or that anybody else would object to it, but that is simply something for the committee to decide upon.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. WHITE. Does the gentleman approve or favor the differentiation made between the character of the so-called defense bonds and these bonds that have been subscribed to by the banks of the country?

Mr. CRAWFORD. The defense bonds are not negotiable; you cannot trade in them on the open market, and the amount you put into them is guaranteed back to you by the Government. This is a matter I contended for as far back as 1935, and if we are going to have elevator boys, washwomen, shoeshiners, and many other people in the low-income brackets buy them, then let us guarantee them against market decline and fix it so they will not lose their little grubstake.

Mr. WHITE. Does the gentleman believe it would be an unpatriotic thing for those people to demand that they have the same kind of bonds that were given to the banks?

Mr. CRAWFORD. Let them demand what they please, because whether you sell any Defense bonds or not, the war is going to be financed. If they cannot finance it through selling bonds to the people, then they will finance it through creating money out of nothing, which this very proposition does. I think the Defense bonds are more acceptable to the individuals than the open market issues being sold to banks. Individuals may buy long- or short-term bonds.

Mr. WHITE. Would the gentleman be in favor, then, of creating money without interest rather than piling up an interest load on these interest-bearing bonds? How does the gentleman stand on that proposition?

Mr. CRAWFORD. Insofar as financing the war is concerned, we will finance the war. The problem is this: What are you going to do with the debt structure in the post-war period? That is what I was thinking about yesterday when I advocated heavier taxes.

Mr. WHITE. Would it be better to pile up the interest load or to reduce it by issuing non-interest-bearing notes?

[Here the gavel fell.]

Mr. RANKIN of Mississippi. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, the present Federal Reserve Act is bad enough. I am not sure that this bill helps it very much, but I am sure that these amendments would make it worse. We might as well understand the situation. If the Congress had done its duty, in my opinion, we would have taken over the Federal Reserve banks and stopped the Government from paying interest on its own money.

These amendments would simply tend to hamper the system that we now have of issuing currency for the financing of this war without improving it.

It is utterly impossible to finance this war on the present price levels. If something is not done, we not only run the risk of a crash but we will probably invite repudiation. It is necessary to make some modification; and so far as I have been able to see, with the exception of the proposal to take over the Federal Reserve banks, this bill as it came from the committee is about the best proposition that has come before us.

I think the amendment offered by the gentleman from Illinois [Mr. DEWEY] would probably destroy the bill; and the amendment offered by the gentleman from Virginia, instead of starting us out, as he said, on wholesale inflation, would start us out on a policy of deflation at a time when expansion is necessary because we have more Federal Reserve notes out now than his amendment would provide.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. RANKIN of Mississippi. For a question, yes.

Mr. SMITH of Virginia. I believe the gentleman from Mississippi for many years has been a very distinguished advocate of outright inflation. Am I right?

Mr. RANKIN of Mississippi. No; if the gentleman from Virginia had been listening he would be better informed.



I have advocated from the very beginning a controlled expansion of the currency, in order to raise the price level and enable us to raise revenue sufficient to carry on the Government instead of going out on a very different kind of policy of borrowing from the rich and spending it by the billions in an effort to restore prosperity by artificial means. That policy has brought us to the predicament we are in today when we are going to have to do something drastic in order to raise money to carry on the war.

Senator THOMAS of Oklahoma and I introduced a bill in 1933, which finally became law, giving the administration the right to issue \$3,000,000,000 in currency against the gold we then had. If that policy had been carried out, if we had had a reasonable, controlled expansion of the currency, commodity prices would have risen, we would not have continued in the depression. If we had followed that policy, instead of starting out on a policy of borrowing from the rich and giving to the poor, this country would have been enjoying a period of unprecedented prosperity for the last 7 or 8 years.

Mr. SMITH of Virginia. Will the gentleman yield?

Mr. RANKIN of Mississippi. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I wonder if the gentleman from Mississippi will inform us as to the difference between what he terms controlled expansion of the currency and inflation?

Mr. RANKIN of Mississippi. When you take the lid off and just permit uncontrolled inflation by issuing unlimited volumes of currency, as they did in Germany and Russia just after the last war, which the bankers and you banker-minded Congressmen have harped on so much, where it was tied to no metallic standard, where there was no limitation on it and it was done for the sole purpose of wiping out internal debts, you run into disaster. If we had followed the policy, on the other hand, laid down in the bill passed in 1933 for a limited, controlled expansion, with a 40-percent gold reserve behind every dollar, we would have raised prices to their normal levels, we would have been able to fight our way out of the depression and for the last 7 or 8 years this country would have enjoyed a reasonable measure of real prosperity. Then we would have had no relief rolls. Our farmers as well as our industries would have recovered from the depression, and the Government would have saved billions of dollars.

May I say to the gentleman from Virginia that it was not a wild and uncontrolled inflation in World War days that brought about the depression of 1920 and 1921. We had an expansion during the World War that raised commodity prices to new levels. But when the war was over, this same group that now seems to control the Federal Reserve banks secured control and through the Governor of the Board, W. P. G. Harding, brought about a ruinous deflation. That is your danger now, and it will be your danger when this war is over. That is the reason I want this power to coin money and regulate the value thereof

back in the hands of Congress where the framers of the Constitution placed it. That is the reason I supported Senator OWEN, of Oklahoma, at that time instead of the distinguished Senator from Virginia [Mr. GLASS] who is largely responsible for the present Federal Reserve System that, in my opinion, has caused most of our troubles for the last 20 years.

Mr. Chairman, I am going to vote against both of these amendments. As I said before, the Federal Reserve Act is bad enough. Probably the committee amendment improves it a little. But I feel certain that these two amendments, or either one of them, would be a detriment to the country.

[Here the gavel fell.]

Mr. BURDICK. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I have waited for this opportunity for 8 years. I see around me all the financial experts of Congress, and I am going to ask them two or three questions, then leave the floor. If they can answer any one of them I will never take the floor again on this subject. Instead of issuing bonds and having a fight over the interest, which by the end of July 1 this year will amount to the expense of Government almost, and I refer to the interest on those bonds, why do you not cut it all out and issue the money in each instance, issue the currency instead of issuing the bonds?

Here is my first question: Is there anything behind a bond that is not also behind a piece of paper money? Now, some of you experts answer that.

Mr. HOFFMAN. Mr. Chairman, I am no expert, but if you let these fellows down here issue all the money they want to, there would not be any limit. There is a limit to the bonds you may sell.

Mr. BURDICK. I am satisfied that the gentleman from Michigan could not answer the question even if he were an expert.

Here is the second proposition. This is not an "ism," this is not an imaginary program. This is a program that we put into effect one time when we were in just the same situation we are in today. During the Civil War we issued over \$400,000,000 of fiat money. The gentleman from Kentucky this morning showed me one of those bills. The people have never paid a cent of interest on those since 1865. If you want to pile up an interest load that will become bigger than the cost of government, then you stick to your banker system. If you want to fight for the American people, issue the money and cut out these bonds.

Mr. HALLECK. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman is in favor of printing money and issuing it instead of issuing bonds. Would he also be in favor of printing the money and issuing it instead of taxing the people to pay any of the expenses of Government?

Mr. BURDICK. The question answers itself. The only way that the money would be retired is through taxation and through income from other sources.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from California.

Mr. VOORHIS of California. Is not the gentleman willing to agree with this statement: You can get inflation quite as well by having the bankers create money against Government interest-bearing debt as you would get if the Government itself created too much money, either in the form of cash or credit. What is going to happen in both cases is there have to be proper limitations to maintain a stable relationship between the total volume of money in circulation and the amount of actual production.

Mr. BURDICK. The gentleman from California is precisely right. They would not be apt to issue any more currency than they would bonds. You would issue enough to carry on the business of this war, as you did before.

Let me tell you something. If you had today to pay the interest on the Lincoln currency, or the Lincoln bonds, if you should call them bonds, of \$450,000,000, it would cost you \$2,000,000,000.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Idaho.

Mr. WHITE. When we went into the Civil War we did not have \$50,000,000,000 of debt, and we did not have a \$2,000,000,000 interest load as a handicap.

Mr. BURDICK. I presume the gentleman is right.

I am going to leave these two questions with you: Why can you not issue the currency? Why do you want to issue the bonds and keep up this interest system, when it will amount to more in 1943 than the cost of this Government? Why do you do it, you experts?

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, as Amos said to Andy, "Where is we?"

From the time the Federal Reserve System was established in 1913 until 1935 that System had authority to buy bonds directly from the Treasury of the United States. In 1935 it was changed by an amendment in an act that went through this Congress. It is now proposed by title IV of this bill to restore the power that existed from 1913 to 1935. The question arises, Why should it not be restored? What is the difference between buying bonds directly from the Treasury and buying them in the open market?

There is much difference between buying bonds from the Treasury and buying them in the open market. The first thing you do, of course, is to weaken the stabilizing function of the open-market activity. The whole purpose of the Federal Reserve's activity in shopping in the open market is to sell bonds and siphon money from the market. Its purpose is to buy bonds and put money into the market. It is a stabilizing operation.

Is there any stabilization in taking the bonds as they roll from the printing

press and hauling them down to the Federal Reserve? There is no stabilization whatever. What you do is to make a bond repository out of the Federal Reserve for the issuings of the Treasury Department. If the amendment is not adopted, there is no limit to where you can go in piling up these bonds in the Federal Reserve System.

The second difference between buying bonds from the Treasury, as is proposed in title IV, and buying them in the open market is that you cannot buy a bond in the open market until it is in the market. How does it get into the market? The Treasury issues it. Before it goes into the market it has to have a maturity. Before it goes into the market there has to be an agreed interest rate. The rate has to be conditioned upon the condition of the market and what it will accept. You can send these bonds to the Federal Reserve out of the Treasury if you like—and there is no limitation—without any interest rate whatsoever. It may never be done, but the permissive authority in this bill makes it possible.

They say they will not use the power. Can we be sure? They say it is permissive. Can we be sure? They say it is temporary. Yes; the Silver Purchase Act was temporary in 1934, and it has cost us \$1,400,000,000 worth of useless, sterile, barren silver, for which we paid a subsidy of \$500,000,000. It is still on the books.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Not now.

Mr. WHITE. The gentleman does not want to be informed, then.

Mr. DIRKSEN. Mr. Chairman, I do not care to be interrupted.

The Reciprocal Trade Agreement Act was temporary. It has been on the books for 8 years.

Do not be deluded about this sort of thing as to whether or not it will be used. There are \$2,250,000,000 of these bonds in the Federal Reserve today. It was so stated in the Senate. The amendment will be salutary in placing thereon a limit of \$5,000,000,000 on bonds from the Treasury. The reason for it is that you will not then be able to monetize the whole debt through the Federal Treasury and the Federal Reserve System.

If the interest rate goes to nothing, then according to my friend from Mississippi there will be no difference between issuing a piece of green paper called currency and issuing a bond. The gentleman from North Dakota says, "What is the difference?" There is a lot of difference. Anyone can see that the only amount of currency that remains in the market is the amount that is used because of the necessities of trade, industry, and commerce. Instead of there being \$12,000,000,000 in currency, suppose you have \$60,000,000,000; what happens? It goes right back to the banks. Then what? It is impounded, it is useless, and we have to go through the same process all over again, until finally you get to the condition that existed in Chile just a few years ago, when a pair of ordinary shoes cost \$250.

That is the answer. There is no need of belaboring this point any longer. This could be a dangerous provision. I do not say it is; but this title standing in the naked language in which it was submitted to the House could be a very dangerous power, indeed, if it were used and had to be used without limit. Let us put a limit on this pipe line from the Treasury Department to the Federal Reserve by at least adopting that amendment. It will have a wholesome effect on the country.

[Here the gavel fell.]

Mr. KEAN. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, I must say that I agree with almost everything the proponents of this bill say with reference to this title, for the practical workings of the proposed methods of financing would actually be no more inflationary than are the present methods.

What is the great difference between buying bonds directly from the Treasury or letting the Treasury sell bonds first to, say, the Chase Bank, and then having the Federal Reserve banks buy the same bonds from the Chase Bank? Both methods are highly inflationary.

But, in spite of these facts, I am supporting the Smith amendment. Why? Because inflation is largely a question of psychology. This title permits one branch of the Government, the Treasury, to sell bonds direct to what to all intents and purposes is another branch of the Government, the Federal Reserve, which provides the funds either by establishing merely a book debit or uses the bonds themselves as security to print the money to pay for them. Certainly in the eyes of the public this will not look like a real sale but only a scheme for printing-press money.

Today inflation is a touch-and-go proposition, and anything which might frighten the people should be avoided. As this is the same method which was used in France and Germany to bring about inflation, many people rightly or wrongly fear its consequences. The provisions of the Smith amendment should be sufficient to take care of all emergencies and would not subject the morale of the people to any question as to future buying power of the dollars which we are asking them to place in defense bonds. Any inflation psychology must be avoided at all costs at this time.

Mr. DEWEY. Mr. Chairman, I move to strike out the last two words.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield for a minute to see if we can arrange some limit with regard to debate?

Mr. VOORHIS of California. Mr. Chairman, I have another amendment I want to offer to this section.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

Mr. WOLCOTT. Mr. Chairman, reserving the right to object, is the 20 minutes in addition to the time that has already been allotted to the gentleman from Illinois [Mr. DEWEY].

Mr. SUMNERS of Texas. It would include that time.

Mr. WOLCOTT. Can the gentleman from Texas give us any assurance there will not be other amendments to this provision?

Mr. SUMNERS of Texas. I would not want to undertake that.

Mr. VOORHIS of California. Mr. Chairman, I have an amendment to this title.

The CHAIRMAN. If the Chair may be indulged a moment, the Chair is advised by the Clerk that there is only one amendment pending on the desk to title IV, and that is the one offered by the gentleman from California [Mr. Voorhis].

Mr. WOLCOTT. Does not the gentleman believe that the limitation should be on the pending amendment and not all amendments to the title?

Mr. SUMNERS of Texas. Then I ask unanimous consent, Mr. Chairman, that all debate on this amendment and all amendments thereto, close in 15 minutes exclusive of the time of the gentleman who now has recognition.

The CHAIRMAN. Does the gentleman make that request with respect to the amendment offered by the gentleman from Illinois and the substitute amendment offered by the gentleman from Virginia [Mr. SMITH]?

Mr. SUMNERS of Texas. That is correct.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the amendment offered by the gentleman from Illinois [Mr. DEWEY] and the substitute amendment offered by the gentleman from Virginia [Mr. SMITH] close in not to exceed 15 minutes, exclusive of the 5 minutes already allotted to the gentleman from Illinois [Mr. DEWEY]. Is there objection?

There was no objection.

Mr. DEWEY. Mr. Chairman, in addressing the House this morning relative to the amendment I offered I stated that the main purpose of the amendment was to take care of the requirements of the Treasury Department during any possible emergency, but at the same time to somewhat limit what they might consider was the emergency requirement. I like the amendment offered by my colleague the gentleman from Virginia [Mr. SMITH], and am prepared to withdraw my own amendment, because his amendment sets a definite limit in dollars as to the amount of securities the Treasury may sell directly to the Federal Reserve System, and, as I understand, have outstanding in an aggregate amount at any one time. I would like to ask the gentleman from Virginia if what I have stated is his understanding.

Mr. SMITH of Virginia. That is my understanding. The only limitation imposed by the amendment is that the Treasury cannot sell directly to the Federal Reserve in excess of \$5,000,000,000.

I would like, if the gentleman will yield further, to make this statement. I have been asked two or three times what limitation this imposes upon a Federal Reserve bank to own bonds. It imposes no limitation. A Federal Reserve bank has the right to buy bonds in the open market, or to own bonds, or to acquire them in any way other than directly from the



Treasury, and that right is not affected in any way, shape, or form by either the amendment of the gentleman from Illinois or the amendment which I have offered. The sole limitation this places is that in the aggregate the Federal Reserve cannot buy directly from the Treasury more than \$5,000,000,000 worth of bonds.

Mr. DEWEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment to title IV.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SMITH of Virginia. Mr. Chairman, I now offer my amendment as an original amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 12, line 11, after the word "interest", insert "to an aggregate amount not exceeding \$5,000,000,000."

Mr. McLAUGHLIN. Mr. Chairman, we have all been very much interested and I am sure entertained by the discussions of the general subject of money and monetary policy. As a member of the Committee on the Judiciary which held hearings on this bill, I should like to be permitted in these closing moments to address myself to the title under discussion, title IV. Let us get back to the fundamentals of the case. Title IV, Mr. Chairman, merely proposes to remove from the existing law that provision which restricts the Federal Open Market Committee of the Federal Reserve System in its purchases of Government obligations to purchases on the open market. If title IV is enacted, the Federal Reserve System can buy either in the open market or directly from the Treasury. It may proceed either way it sees fit. The Chairman of the Federal Reserve Board testified before our committee and stated that in the opinion of the Federal Reserve Board, this power to purchase in either way it sees fit is essential in this time when our country is in its war crisis. You will note particularly in the report the statement on page 8 that it was represented to this committee that this power will not be used as a substitute for the ordinary method of financing Government securities, but will be used as an extraordinary power at times when the stability of the market may be otherwise impaired. The main objection to this title running current through this whole discussion is that if it is enacted, it will be inflationary in effect. I am not going to ask you to be governed by my words on the subject. We have listened with interest and respect while a great many Members discussed the matter. I now quote another whose words, we will all agree, are worthy of our solemn and most respectful consideration. I refer to the distinguished gentleman from Virginia, the author of the Federal Reserve System in 1913, Senator CARTER GLASS, who says, and I ask the attention of the committee, because it seems to me that this is the heart of the whole controversy:

It is represented to me that it is necessary in the case of such an emergency as occurred by the action at Pearl Harbor. I do not think there will be a recurrence of that sort of incident, and it ought not to have occurred when it did occur; but there is nothing of a mandatory nature provision relative to the purchase of bonds by the Federal Reserve banks. They need not purchase a dollar of bonds unless they want to do so; it is altogether permissive.

I do not care much about it. I do not think it is going to result in any inflation whatsoever, because I do not think the Federal Reserve banks are going to buy Government bonds unless they want to buy them, and unless it is to the interest of the banks to buy them. The Federal Reserve banks are not owned by the Government; they are owned by private authority; they are owned by the stockholder member banks of the respective districts, and the Government cannot force the banks to buy its bonds unless they want to buy them.

The gentleman from Illinois [Mr. DEWEY] and the gentleman from Michigan [Mr. WOLCOTT] both quote from a letter from Professor Spahr, the economist.

Mr. DEWEY. Oh, I rise to correct that I did not quote from him. That was in the original act.

Mr. McLAUGHLIN. The gentleman quoted the law. Mr. Chairman, I have in my possession a letter from the general counsel of the Federal Reserve Board, the Honorable Walter Wyatt, who for many years has occupied that position. He states that the law quoted relates to possible conflicts of jurisdiction between the Secretary of the Treasury and the Governor of the Federal Reserve System, and has nothing whatever to do with the Federal Open Market Committee, which is the only body having any power to require the Federal Reserve banks to buy Federal bonds. Mr. Chairman, the additional question may arise as to whether, if you give this power to the Federal Reserve System, it will be exercised in an inflationary way. I submit that the record of past performance of the Federal Reserve System demonstrates that it will not. I call attention to the fact that the Federal Reserve Board on December 31, 1940, submitted a report to the Congress in which it urged specific recommendations to hold down inflation. In other words, the Federal Reserve Board is not an inflationary board—not actuated by inflationary motives. It is against inflation. There is nothing inflationary about title IV. I submit it should be enacted in the form in which it appears in the bill.

[Here the gavel fell.]

Mr. WOLCOTT. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion of the gentleman from Michigan.

The Clerk read as follows:

Mr. WOLCOTT moves to strike out all of title IV, as a substitute for the Smith amendment.

The CHAIRMAN. That is not a substitute and it certainly is not a preferential motion.

The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were ayes 84 and noes 92.

Mr. MARTIN of Massachusetts. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. SMITH of Virginia and Mr. McLAUGHLIN.

The Committee again divided; and the tellers reported there were ayes 128 and noes 93.

So the amendment was agreed to.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment, which is at the desk.

Mr. SUMNERS of Texas. Mr. Chairman, I wonder if we may not reach some agreement as to time for closing debate on this section? I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection? Mr. WOLCOTT. Mr. Chairman, reserving the right to object, I have not yet heard the gentleman's amendment. I think many of us are in the same position.

The CHAIRMAN. Does the gentleman object to the request?

Mr. SUMNERS of Texas. Mr. Chairman, I will withdraw the request for the moment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California: On page 12, line 11, strike out the period and the quotation marks at the end of the line and add the following: "And provided further, That all obligations of the United States bought directly from the Treasury by any Federal Reserve bank shall be non-interest-bearing obligations."

Mr. VOORHIS of California. Mr. Chairman, I offer this amendment because it is right. Other Members have made parts of my speech today over and over again. Other Members have pointed out that the Federal Reserve banks are privately owned institutions. They have also pointed out that when the Federal Reserve banks purchase obligations from the Treasury they do it with new money which they create for the purpose—generally in the form of credit upon their books. In other words, by that transaction the American people would be paying interest to a private institution when that private institution exercised the fundamentally governmental power of monetary creation. My amendment seeks to make that impossible.

I know two objections that will be raised to it. One of them will be to say that you need to have these bonds so that they can be sold by the Federal Reserve if desirable, and that they could not sell them if they did not bear interest. Of course that is true, but if the time comes when a further amount of interest-bearing bonds can be put on the market by the Treasury, the Treasury could then sell those bonds and redeem the non-interest-bearing bonds which the Federal Reserve had taken, if that were wise policy.

Another argument will be that you need to compensate these Federal Reserve banks for their work in handling the Government account. I submit that at present since they hold two and one-quarter billions of Government interest-bearing obligations, and the yield from that alone is \$50,000,000 a year, I think they can get along. Member banks have received their 6-percent dividends regularly all through the depression and still, even in these years, a surplus considerably in excess of the paid-in capital has been accumulated.

There are three ways to finance this war. One is by taxes. The other is by real borrowing, whereby the Government obligations are sold to people who buy those obligations with money or credit that they have in their possession and which they give up in order to buy the bonds. The third method of financing the war is by what I call false borrowing. It is by money creation, which, however, takes place at present through the banks who create credit, backed in the end by the power of the Federal Reserve to issue Federal Reserve notes and then loan that credit to the United States Government by purchasing interest-bearing obligations.

The gentleman from Virginia [Mr. SMITH] offered an amendment which limited to \$5,000,000,000 the amount of bonds that could be bought directly by the Federal Reserve. In my judgment that would not have made the slightest bit of difference in the amount of total bonds that would have been sold in this way. As the chairman of the Committee on Banking and Currency previously explained today, there is no essential difference between selling these bonds to any commercial bank or selling them to the Federal Reserve banks, so far as bringing about the creation of new money is concerned. Had the gentleman's amendment been a limitation on the total amount of bonds that could be sold to any bank for newly created money, it would have been a very different proposition, and one very appealing to me as a matter of monetary principle. Because if you want to avoid inflation, if you really want to do it, the important thing is not who creates the money, not whether an interest burden is unjustifiably placed on the American people, but whether or not new money is created by anybody on the one hand, or on the other hand whether the war can be financed by means of taxes and the sale of bonds to the people for their real purchasing power which they give up to their Government temporarily.

I voted against the Smith amendment because it would only limit sales to the Federal Reserve—not to banks generally. It would not have prevented the manufacture of money by the banks—a thing which could happen in the colossal amounts already set forth today by the able chairman of the Banking and Currency Committee [Mr. STEAGALL]. Therefore the Smith amendment would only have narrowed very sharply indeed the chance of the Federal Reserve to act in time of emergency and to keep down the rate on Government bonds.

My appeal for my amendment is very simple. I think it indefensible to expect

the American people to pay interest to a private banking institution when all that private banking institution does is to create money and purchase from the people's Treasury an interest-bearing obligation.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, the gentleman from California has very thoroughly explained his amendment. It ought to be understood by everybody in the House. I ask unanimous consent that all debate on this amendment do now close.

Mr. HOFFMAN. Mr. Chairman, reserving the right to object, I would like 3 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I modify my request and ask unanimous consent that all debate on this section and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. SUMNERS]?

There was no objection.

The CHAIRMAN. The gentleman from Michigan is recognized for 3 minutes.

Mr. HOFFMAN. Mr. Chairman, we are going to have an election in November and you gentlemen are all interested just the same as I am. I want to be reelected and come back here and I suspect that some of you have a similar desire. There are a lot of farmers in my district. They want some more money. Most people do. They have been getting a whole lot of money in the last few years from the Government, but they want more. That is nothing abnormal. Over in the Senate yesterday, they passed a little legislation which will give the farmers some more money. I would like to go along and give my farmers some more money. Then some of them may vote for me. That would be a natural reaction. Up in Michigan the C. I. O. wants \$300,000,000 from the Federal Government to be handed out to those of its members who are temporarily out of jobs. They want something like \$24 a week for 20 or more weeks, though under State law they would get something like \$20 a week for a limited period. The farmers do not get anything while they are waiting for the crops to grow nor while the cow is dry. My district is thoroughly organized by the C. I. O., even my little home town; and those fellows are not going to vote for me—at least they say they will not—unless I do something for them. The C. I. O. wants an increase of a dollar a day in their wage. Sometimes they only ask for an increase of 10 cents an hour. They want double pay if they work on Sunday or on a holiday. And they do not want anyone who does not belong to their union to work where they have good jobs.

Now, I would like to give them some more money. I would like to vote for everything they want. I would like to be 110 percent C. I. O., A. F. of L., nonunion. Then everyone would be happy and I would get a lot of votes. I would like to vote for everything anybody wants. Then I would get all the votes—or would I? Then I have a large number of Townsends, and have had for something

like 6 years. Their present demands are comparatively modest. They say that as long as we voted ourselves pensions, they ought to have something. At one election 8,000 of them voted against me. I would like their votes. It would help a lot. Then there is a group of postal employees—mail carriers and clerks in the post office and others—who want pensions or increase in pay or shorter hours or something. They tell me without any equivocation at all that they are going to skin my political hide right off of me unless I go along and help them out. It makes me shiver and get all goose pimply just to hear them. Now, I want to do that, give everyone something and, incidentally, I could go on here naming groups and organizations and people and projects almost without end. You know the story. But I would like to know what I have got to do and got to vote for in order to be reelected. If I can, I would like to save at least a few dollars to carry on the war. But if I vote for everything I am asked to vote for there will not be anything left for the war. And people keep telling me and writing me that if I do not vote the way they want me to vote I will not be here next year. So if you will just write me a letter confidentially—I will not use your name—telling me how I can be reelected, I would appreciate it. Or maybe I will die before next election and all my worry is just silly. So on second thought you need not write me at all. Just follow the good advice you would have given me.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 12, after line 11, insert a new title, as follows:

#### "TITLE IV—A

"That during the national emergency declared to exist by the President on May 27, 1941, the following provisions of law, as amended, are suspended, insofar as they—

"(a) Prescribe the maximum hours, days, or weeks of labor in any specified period of time;

"(b) Require compensation at a rate higher than the usual rate at which an employee is employed (1) for labor in excess of a specified number of hours, days, or weeks in any specified period of time, or (2) for labor on Sundays, holidays, or during the night; or

"(c) Require stipulations in contracts which prescribe maximum hours of labor or require compensation at a rate higher than the usual rate at which an employee is employed for labor in excess of a specified number of hours, days, or weeks in any specified period of time, or for labor on Sundays, holidays, or during the night—

"(1) 'An act to expedite the strengthening of the national defense', approved July 2, 1940;

"(2) 'An act establishing overtime rates for compensation for employees of the field services of the War Department, and the field services of the Panama Canal, and for other purposes', approved October 21, 1940;

"(3) 'An act authorizing overtime rates of compensation for certain per annum employees of the field services of the War Department, the Panama Canal, the Navy Department, and the Coast Guard, and providing



additional pay for employees who forego their vacations', approved June 3, 1941;

"(4) 'An act providing for Saturday half holidays for certain Government employees', approved March 3, 1931;

"(5) 'An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936;

"(6) 'An act to expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than 8 hours' labor in any 1 day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes', approved October 10, 1940;

"(7) 'An act to expedite national defense, and for other purposes', approved June 28, 1940;

"(8) Communications Act of 1934;

"(9) 'An act to provide a civil government for Puerto Rico, and for other purposes', approved March 2, 1917;

"(10) 'An act to make emergency provisions for certain activities of the United States Maritime Commission, and for other purposes', approved May 2, 1941;

"(11) 'An act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program', approved July 21, 1932;

"(12) Fair Labor Standards Act of 1938, as amended;

"(13) 'An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes', approved June 19, 1912;

"(14) 'An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia', approved August 1, 1892;

"(15) 'An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes', approved September 9, 1940;

"(16) 'An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931;

"(17) 'An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes', approved March 4, 1917."

Mr. CELLER. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Virginia [Mr. SMITH] on the ground that it is not germane to the bill.

The CHAIRMAN. The Chair will be pleased to hear the gentleman in support of his point of order.

Mr. CELLER. Mr. Chairman, I make this point of order with reluctance, because we all have the greatest respect generally for the gentleman from Virginia and specifically for his ability as a parliamentarian; nevertheless, as a member of the Judiciary Committee and pursuant to the wishes of the committee to keep the bill intact as reported, I submit the point of order.

I believe that the so-called Smith amendment suggested to title IV—a is not germane to the text of the bill and is not germane to the specific purposes of the bill. It is not germane to any particular title of the bill. It is offered as a brand-new title. The only similarity I see is in the heading of the Smith amendment, which is in fact a mere re-

statement of his bill, H. R. 6616, entitled "An act to expedite the prosecution of the war effort." The Senate bill before us carries the heading "To further expedite the prosecution of the war." It may be the same label but it is different wine in a different bottle. And the title or label does not change the contents of the bill or the bottle. Merely calling a thing something does not make it so.

The Smith amendment is exclusively a labor provision.

If you examine the Senate bill you do not find the word "labor" mentioned even once throughout the length and breadth of the bill. The so-called Smith amendment refers specifically to maximum hours of labor and rates of pay, and suspends some 17 specific acts relating to labor. The only mention you have in the entire bill—S. 2208—remotely resembling labor is the word "employee," which appears on page 15 of the bill, and that refers to the O. C. D., the Office of Civilian Defense. The only other word remotely connected with labor is to be found with reference to an amendment to the Hatch Act on page 15, where the word "employee" is used. The Hatch Act concerns primarily political activity of those who hold governmental positions.

The word "employee" in title VII and in title VIII, page 15, has not the slightest connection with anything having to do with the general labor provisions of the so-called Smith amendment.

There is a third significant word used in the bill before us that only has a remote connection with labor, and that is the use of the word "manpower" on page 16, line 20, which has reference to the Civilian Conservation Corps manpower. I submit that has nothing to do with the provisions of the Smith labor amendment.

The Smith amendment provides for maximum hours of employment and rates of pay. It suspends the operation of some 17 different public acts. The bill before you has nothing to do with any or all of the acts thus sought to be suspended. It has naught to do with hours of employment or rates of pay. It is not a labor bill.

If the Chair will examine carefully the bill S. 2208 he will find that title I, if it had been submitted as a separate and distinct bill to its appropriate committee, would not have been referred to the Labor Committee but would have been referred to the Committee on Interstate and Foreign Commerce, because it amends the Interstate Commerce Act.

Title II, were it a separate bill, since it concerns the activities of the Secretary of War, the Secretary of the Navy, and the subordinate boards of those entities, would have been referred, if it had been offered as a separate bill, either to the Military Affairs Committee or the Naval Affairs Committee.

Title III, referring to priority powers might have been referred to either the Military or Naval Affairs Committees or to the Judiciary Committee since it concerns the negotiation of contracts for the acquisition, construction, and repair of naval vessels or aircraft. Since it also concerns the requisitioning of records and involves jurisdiction of the courts, it

might have been appropriately and logically referred to the Committee on the Judiciary. It would not have been referred to the Committee on Labor.

If the Chair will examine title IV he will find that it concerns, primarily, fiscal matters having to do with the direct purchase by the Federal Reserve Board of Government bonds, and would in the ordinary course of events have been referred to the Committee on Banking and Currency. It could not have gone to the Committee on Labor.

Title V, since it refers to the waiver of navigation and inspection laws, would, of necessity, have been referred to the Maritime Committee, and not to the Labor Committee.

Title VI, since it concerns registration of firearms and has something to do with the power to requisition property, might have been referred to either the Judiciary Committee or the Committee on Interstate and Foreign Commerce.

Title VII refers to the Hatch Act, which is within the exclusive province of the Judiciary Committee. It does not concern labor.

The Committee on Military Affairs undoubtedly would have had control over title VIII, concerning compensation for certain civilian defense workers.

Title IX, since it concerns the protection of war industries and the assignment of manpower of the C. C. C. and to the protection of munitions and defense plants, might have been referred to the Committee on Military Affairs. Labor is foreign to it.

Title X would undoubtedly have gone to the Post Offices and Post Roads Committee, since it concerns free postage for soldiers, sailors, and marines.

Title XI is exclusively a naturalization section and would have gone to the Committee on Immigration and Naturalization.

Title XII, since it concerns the setting up of a sort of war-contribution fund and provides for the reporting of gifts and funds to Congress, might have gone either to the Committee on the Judiciary or to the Ways and Means Committee.

Title XIII would have gone to the Committee on Coinage, Weights, and Measures.

Title XIV concerns the inspection and audit of war contracts and contractors' activities, and might have gone and probably should have gone, were it a separate bill, to the Committee on the Judiciary.

Lastly, title XV exclusively concerns census reports and would have gone to the Committee on the Census.

So that not a single title of this lengthy bill would have gone to the Labor Committee, to which the Smith amendment, if it had been a separate bill, should undoubtedly have been referred.

It may be that the Smith amendment generally relates to the provisions of the bill before us in certain respects, but it is not germane to it and germaneness and relativity are two entirely different propositions.

There are a number of precedents on the subject. I do not care to belabor the point too much. I think the chairman of the Committee of the Whole is familiar with the precedents, therefore I

shall not outline them. They are all outlined in section 794 of the rules of the House. There are a number of very excellent precedents for both my contentions and I shall not dwell longer on the subject matter.

Mr. Chairman, I trust the point of order will be sustained.

Mr. MARTIN J. KENNEDY. Mr. Chairman, I rise in support of the point of order.

The CHAIRMAN (Mr. COOPER). The Chair will be pleased to hear the gentleman, and will appreciate it if arguments on the point of order are confined to the point of order and as succinctly stated as possible.

Mr. MARTIN J. KENNEDY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN J. KENNEDY. May I ask the form in which this is proposed at this time? Is it a new paragraph?

The CHAIRMAN. It is in the form of a new title to the pending bill.

Mr. MARTIN J. KENNEDY. Mr. Chairman, the question before this committee is the germaneness of the amendment of the gentleman from Virginia [Mr. SMITH] to the pending bill. The amendment in the form of a new title proposes to do something that was not intended to be done by the pending bill.

The rule as to germaneness goes back to the early days of the Congress and is a well-recognized principle of parliamentary procedure. The principle was developed for the purpose of stopping hasty, ill-conceived legislation from finding its way to the floor without an adequate or proper hearing. In my opinion, the amendment of the gentleman from Virginia [Mr. SMITH] is the sort of proposal, a proposal to repeal 18 existing laws, some of which date back to 1868, all affecting the workingman, that should not be considered as an amendment to a pending bill—but if offered should be ruled out on a point of order.

Those laws which would be affected by the Smith amendment have become a part of our social system. When it is attempted to do so by a single amendment, offered as a new title to a bill under consideration, the Chair should interpret the rule on germaneness in deciding a point of order, literally and not otherwise.

We have come to realize that laws affecting hours of labor, wages, and working conditions are most important and vital to the welfare of our people and country. We are bound to preserve the rights of the working people of this Nation and should resist every attempt, under any title or guise, to take from labor its social gains.

This proposed title would make it possible to change all of gains by one sweep of the hand without a hearing being accorded to labor. I cannot believe the people of this country would want nor do I believe the philosophy of our parliamentary law contemplated our abandoning an established policy, the American way, through a clever amendment to an important bill requested by the President's committee for the national emergency.

We all know that in existing law there is nothing that could prohibit the Army or Navy from demanding any employee to work more than the stipulated time. The Commander in Chief, President Roosevelt, is in charge of the war program and can make a ruling to meet any situation during the war.

Mr. Chairman, I respectfully submit that this is not the proper time to consider the Smith amendment. Under the ruling of Chairman Fitzgerald, in 1914, and other rulings, since that time, it has been the practice of this House to only consider matters of such importance separately and on their merits and not as a tall to a war measure.

There are 17 separate laws, which are to be repealed by the Smith amendment, and they are to be repealed by 1 vote. Mind you, only 1 vote to wipe out 17 laws and the social gains of more than 50 years.

Because I firmly believe that to allow the Smith amendment to be considered as an amendment to the war powers bill is against the best interest of our Nation and every worker, and because, in my opinion, it violates the principle of our parliamentary procedure, requiring debate and proper hearings, it should be regarded by the Chairman as not being germane, and accordingly I ask that the point of order made by the gentleman from New York [Mr. CELLER] against the Smith amendment be sustained.

Mr. HEALEY. Mr. Chairman, I desire to address the Chair on the point of order.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Massachusetts on the point of order.

Mr. HEALEY. I assure the Chair I shall be very brief and confine myself to the point involved.

Mr. Chairman, this proposed amendment seeks to suspend the provisions of existing law. I make the point that the laws affected, or any sections of those laws, or any matters related to them are not presently before the House for consideration.

I make the further point that the laws themselves or certain sections of the laws should be before the House for consideration in order for this amendment to be germane. While a committee may report a bill containing several subjects and unrelated subjects, it is not in order during consideration of that bill to introduce a new and entirely unrelated subject.

I submit, Mr. Chairman, that the amendment deals with the suspension of sections of laws relating to hours and wages, and that there is no section of the bill now under consideration, as reported by the committee, that deals with that subject or any subject related to it.

I make the further point that this amendment is so comprehensive as to suspend or repeal the provisions of 17 different statutes, and that it is remote and unrelated to the subjects under consideration in the bill and is therefore not germane to the bill.

Mr. Chairman, the purpose of the application of the rule of germaneness is to prevent hasty and ill-considered legislation; legislation which may not be at

all related to the subject matter under consideration; legislation which Members may have had no intimation would be presented on the floor. A well-ordered and proper consideration of legislation should prevent the introduction of an amendment, such as this, entirely unrelated, and irrelevant and remote from the subject matter under consideration.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Virginia in opposition to the point of order.

Mr. SMITH of Virginia. Mr. Chairman, the Chair, and everyone else, of course, recognize that this is an unusual situation, because we are considering what is known as a war-powers bill, a bill which has 16 separate titles, no two of which are germane to each other.

The argument in the matter has gone to a great deal of length to show that the different titles already in the bill would have gone to sundry committees. Of course, they probably would, but we are dealing with an extraordinary situation by reason of the fact that we are seeking to enact emergency legislation, as expressed in the title, to further expedite the prosecution of the war.

I respectfully submit, Mr. Chairman, that the argument that has been made here by the gentleman in support of this point of order can be made with equal force and with equal authority against every single title in the pending bill, because there is not one of them that is germane to any other part of the bill, and when he argues a point of order against my amendment, he argues against every title of his own bill.

However, that is not the question that is involved here, Mr. Chairman. The question that is involved here is, What is the fundamental purpose of the legislation under consideration? The fundamental purpose of the legislation is to facilitate the war effort.

Let us take the history of this particular amendment and see what has happened to it. In the first place, the Committee on the Judiciary held hearings on this very proposition. I appeared before the committee. Nobody then seemed to conceive the idea that it was not a proper feature to go into this war-powers bill.

I then introduced an amendment to the first war-powers bill, which is the same amendment that is being offered here today as a new title to this bill, and it is so entitled "A bill to amend the First War Powers Act."

Now, certainly, if it is relevant and germane to the first War Powers Act it is germane to the second War Powers Act, and when I introduced that bill to amend the first War Powers Act it was referred to the Judiciary Committee and no one indicated then that the Judiciary Committee would not have jurisdiction or that it would not be in all respects germane.

I think I should correct a misstatement, doubtless inadvertently made, by the gentleman from Massachusetts, to the effect that this amendment repeals certain laws. If the gentleman would take the trouble to read the first few sections of the bill he will see it does not repeal anything. There is a difference between repeal and suspension and, as a



matter of fact, this is an emergency matter. The only reason we are here today with all these 15 titles is the emergency we are in. Let us see what is the emergency with respect to this particular matter.

With respect to this particular item we are in a situation where Congress has heretofore on two occasions suspended most of the provisions contained in this amendment. Why? You suspended them because it was necessary in order to carry on our war efforts, but under the terms of that suspension, such suspensions will expire on the 30th day of June of this year and unless Congress acts, and acts in an emergency manner, we are going to be back in the very place where we were before Congress acted on suspending them temporarily.

I would now like to call the attention of the Chair to certain extracts from Hinds' Precedents. Of course, I believe the Chair will probably agree with me that there is very little precedent on this direct point. I think it is fair to say this is a novel point, where a point of order is raised to the germaneness of a new title to a bill that has 16 titles, none of which is related to the other. So you cannot depend upon the ordinary rules and precedents of the House, because there has never been any precedent for any such situation as now exists, but there are rulings on related questions to be found and I direct the attention of the Chair to volume 8 of Cannon's Precedents, paragraph 2911, where it says:

The rule providing that amendments must be germane has been construed as requiring that the fundamental purpose of an amendment be germane to the fundamental purpose of the bill to which it is offered.

This was a ruling by Chairman Kitchen and all that seems to be necessary in a situation of this kind is that the fundamental purpose of the bill, which is, namely, to expedite the war effort, shall be germane to the fundamental purpose of the bill to which it is offered. In volume 8 of Cannon's Precedents, at section 2935, we find this ruling:

The rule of germaneness does not necessarily require that an amendment offered as a separate section be germane to the preceding section of the bill or to any other particular section of the bill, but it is sufficient that it is germane to the subject matter of the bill as a whole.

Now, Mr. Chairman, I respectfully submit that the amendment is in order and ask for a ruling by the Chair.

Mr. McLAUGHLIN. Mr. Chairman, I rise to make a statement in connection with the point of order.

The CHAIRMAN. The Chair will be pleased to hear the gentleman on the point of order.

Mr. McLAUGHLIN. I ask for recognition for the reason that I happen to be chairman of the subcommittee which heard the witnesses on the bill before us, S. 2208, and for that reason, perhaps, can contribute something that may be beneficial to the Chair in making a determination of the issue before him.

The bill before us was introduced by the chairman of the Judiciary Committee, the gentleman from Texas [Mr.

SUMNERS], and referred to Subcommittee 4, of which, as I say, I happen to be chairman. The hearing record, with which, I assume, the membership is familiar, contains a statement of the genesis of the bill, contains a statement that the bill is the result of the work of a committee appointed by the President very shortly after we entered the war, and that the purpose of the bill is to modify by amendment existing laws for the purpose of bringing the law into such a state that it will serve to expedite our war efforts. Hearings were had on the bill, which contained 15 titles. Prior to the conclusion of the hearings and before the subcommittee entered upon executive consideration of the bill, following the hearings, the Department of Commerce came before our committee and suggested an additional title, representing that it was in harmony with the purpose of the President and the committee to which I have referred. This title was incorporated in the bill and now appears as title XV. The then title XV was moved to title XVI, the last formal title in the bill.

Following this, the gentleman from Virginia [Mr. SMITH] came to the judiciary room at a time when the subcommittee was in consideration of the bill in executive session for the purpose of reporting it out after the hearings. The hearings had been closed. The gentleman from Virginia [Mr. SMITH] came before the committee and asked if he could make a statement, and he was permitted to do so. He stated he desired to present an amendment, which, I presume, would be somewhat in line with the amendment he here presents, although the amendment was not presented. So this matter came before the subcommittee in the informal way which I have described.

Mr. Chairman, it occurs to me that this bill is a bill with a single common purpose running firmly through it, and that is to expedite the war effort. I think the title so indicates. The amendment proposed by the gentleman from Virginia [Mr. SMITH] is an amendment which would modify 17 different laws which are now on the statute books. The question of whether or not this amendment is germane to the bill itself is, of course, as has been pointed out, one upon which there is no precedent for the reason that the bill is an omnibus bill, and I presume one the character of which has never been known before. However, in applying the test of germaneness, it occurs to me that the question before the Chair would be whether this amendment is in strict line with the purposes of the bill as manifest within the four corners of the bill.

Mr. McKEOUGH. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. I yield to the gentleman from Illinois.

Mr. McKEOUGH. Are we to assume, in the light of the amendment that is now being subjected to consideration, not being incorporated in the bill, that the gentleman's committee assumed that it was not within the four corners of the purposes of the bill that is pending before the House?

Mr. McLAUGHLIN. I may say to the gentleman that we were endeavoring to

cooperate with those who are charged primarily with the prosecution of the war. The President and his committee organized for the purpose of suggesting amendments to laws which amendments would have the effect of expediting prosecuting the war submitted to our distinguished chairman a bill which was represented to us to be a bill to accomplish that purpose. We did not go outside the scope of that bill to entertain an additional bill except as to one title, to which I referred, title XV, as it now appears, which had the approval of the President's committee, and in that way was incorporated in effect as a part of the original bill. For that reason we did not entertain Mr. SMITH's proposed amendment, an amendment I may say that the gentleman from Virginia [Mr. SMITH] did not present and did not attempt to introduce before the committee.

Mr. MARTIN J. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. MARTIN J. KENNEDY. Do I understand that no request came to the gentleman or to the gentleman's committee from the President or from the President's committee for the proposals that are included in the Smith amendment?

Mr. McLAUGHLIN. That is correct. Mr. Chairman, I submit that statement for the purpose of endeavoring to add something to the record upon which the Chair may be able to reach a conclusion.

The CHAIRMAN. The Chair is prepared to rule. Of course, it is not within the province of the Chair to pass upon the question of the merits of the pending amendment. It is the province and the duty of the Chair to pass upon the question of the point of order made. The gentleman from Virginia [Mr. SMITH] offers an amendment to the pending bill, which has been reported. The gentleman from New York [Mr. Celler] makes the point of order against that amendment upon the ground that it is not germane to the pending bill. The Chair has been pleased to hear the arguments for and against the point of order. The Chair invites attention to the fact that the purpose of the pending bill is to further expedite the prosecution of the war. The bill embraces 16 different titles, all upon different subjects, neither of the 16 titles related to another. The very able argument offered by the distinguished gentleman from New York [Mr. Celler] in support of his point of order rather emphasized the fact that the various titles included in the bill are not related one to another. As pointed out by him, if introduced as separate bills, these different titles would have gone to a number of different standing committees of the House. The amendment offered by the gentleman from Virginia has for its purpose to expedite the prosecution of the war effort. This amendment is embraced in a bill, H. R. 6616, which was referred to the Committee on the Judiciary. The Committee on the Judiciary is the committee reporting the pending bill and having charge of the bill during its consideration here. During the course of the able argument offered by the distinguished gentleman

from Nebraska [Mr. McLAUGHLIN] in support of the point of order, the Chair understood a statement to be made that had the pending amendment been included among the recommendations made by the President's committee on this subject, it would doubtless have been included in the pending bill.

Mr. McLAUGHLIN rose.

The CHAIRMAN. For what purpose does the gentleman from Nebraska rise?

Mr. McLAUGHLIN. Mr. Chairman, I rise to state that I could not speculate on whether this amendment, if proposed to the chairman of the Committee on the Judiciary by the President's committee, would have been incorporated in the present bill. The chairman of the Committee on the Judiciary introduced the bill and of course it is within his province to introduce such bills as he sees fit to introduce.

I would not want the impression to remain that I stated that if the amendment suggested by the gentleman from Virginia [Mr. SMITH] had been presented to the Judiciary Committee or to the introducer of the bill it would necessarily have found a place in this bill. I am not in a position to make such a statement.

The CHAIRMAN. Permit the Chair to inquire of the gentleman from Nebraska, in view of the previous statement made by him and the statement now made, if the provisions of the amendment had been included in the recommendations of the President's committee, in the opinion of the gentleman from Nebraska would the question of germaneness have been raised in his committee?

Mr. McLAUGHLIN. I am not in a position to pass upon that hypothetical question, Mr. Chairman.

The CHAIRMAN. Resuming, the Chair was endeavoring to point out that there is an unusual situation presented in that the pending bill embraces 16 different titles, all titles on different and unrelated subjects. Therefore the Chair is of the opinion that the only proper and reasonable test that can be applied in a situation of this kind is the subject matter and the purpose covered by the pending bill and the pending amendment. The purpose of the pending bill is to further expedite the prosecution of the war. The purpose of the amendment offered is to expedite the prosecution of the war effort.

Therefore the Chair is of the opinion that the amendment is germane to the purposes of the bill, and the Chair therefore overrules the point of order.

Mr. MARTIN J. KENNEDY. Mr. Chairman, I respectfully appeal from the decision of the Chair, and on that point I would like to be heard.

The CHAIRMAN. Does the gentleman desire recognition on his appeal from the decision of the Chair?

Mr. MARTIN J. KENNEDY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is entitled to be heard for 5 minutes.

Mr. MARTIN J. KENNEDY. Mr. Chairman and Members, I appreciate the serious responsibility of the Chairman of the Committee of the Whole in making a ruling upon this important point of

order. At the same time, I realize the importance of his decision because it is so far-reaching and will serve as a precedent in the future. Unless we reverse the decision of the Chair, we might as well eliminate all the standing committees of the House and create one new committee, which could be called the Omnibus Bill Committee.

The Chair, during his ruling, mentioned the fact that a bill similar to the Smith amendment now before the House had been referred to the Judiciary Committee and that the Judiciary Committee had reported the pending bill. The impression seemed to prevail that there was some connection between the two bills because of the committee reference. There is no relationship existing other than the fact that the Judiciary Committee failed to act on the Smith bill, now the Smith amendment. As this matter involves 18 separate laws, it should be considered as a separate bill. It affects many vital phases of our relationship with labor that should be weighed most carefully before we make any changes in existing law.

Since 1868 the Congress and the thinking people of the United States have been deeply concerned about working conditions. To pass a law whereby you suspend all that has been accomplished in 74 years in the field of social welfare is the worst possible thing we could do, especially while we are pleading for national unity. We are talking about the supplies that are so necessary for the war program of our Government, but we must have more than talk; you must have men to do the work. You cannot expect men to work hard unless their hearts are in the job. The passing of this legislation will have the opposite effect. It is a sad blow for the working people of this country to have us decide that all favorable labor legislation must now be suspended. It is a very doubtful and unhappy procedure that makes it permissible at this point by a parliamentary device to obtain action in the House on an amendment which has never been carefully considered by a standing committee. It is absolutely wrong to permit, and I think the Chair erred in not ruling against the Smith amendment as an amendment to the pending bill.

Mr. GORE. Mr. Chairman, a point of order. The gentleman is not speaking to the question before the Committee.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MARTIN J. KENNEDY. The ruling as to the germaneness of this particular title has been made upon the ground that it applies to the pending bill. I do not believe that it does apply. You may be able to regulate the issuance of bonds by law; you can fix the metal content of the 5-cent piece by law, but you cannot legislate ability, mechanical skill, and energy into a workingman. This type of legislation will not only fail to inspire men but I fear for the opposite result.

I am sorry that the Chair has ruled the Smith amendment to be germane to the war-powers bill. I do not think it is germane under rulings heretofore made in this House, and for that reason I re-

spectfully disagree with the ruling of the Chair overruling the point of order against the Smith amendment. I think my appeal against the ruling of the Chair is well-founded and I trust the Committee will sustain my appeal.

The CHAIRMAN (Mr. COOPER). The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and on a division (demanded by Mr. O'BRIEN of Michigan) there were—ayes 218, noes 14.

So the decision of the Chair stood as the judgment of the Committee.

The CHAIRMAN. The gentleman from Virginia [Mr. SMITH] is recognized for 5 minutes in support of his amendment.

Mr. SMITH of Virginia. Mr. Chairman, I spoke to this amendment on yesterday in general debate. I do not know that there is a great deal more I can say except to repeat to you, for the benefit of those who may not have been present and who have not read the Record, just exactly what it does, and no more.

A lot of wild statements have been made about what this amendment proposes to do. If you will get a copy of the bill H. R. 6616 you can see for yourself exactly what it does and what it does not do. Here is what it does: The amendment suspends all of the limitations on hours and the requirement for the payment of overtime for hours used in excess of 40 per week or 8 per day. That is all it does, and it is limited to the duration of the emergency declared by the President. At the end of that time it comes back to what the present law is.

I am frank to say I am puzzled; I cannot understand why it is that Members on this floor who I know are just as loyal to this Government as I ever hope to be, who I know to be just as anxious for the perpetuation of this Government as I ever hope to be, and who I know are just as anxious as I am to prosecute this war successfully—I cannot understand why they persist in resisting a suspension of those things which are daily, and hourly, and weekly, and monthly handicapping the efforts of this Government to save itself in the hour of emergency.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Not at this moment. I am glad that I do not have the poor opinion of the workmen of this Nation that seems to fill the breasts of some of those who take the floor in opposition to measures such as this. I am glad I do not believe as the gentleman from New York—who spoke on his appeal a few moments ago said he believed—that national unity has to be purchased at the price of 8 hours a day and time and a half for overtime to the laboring men of this Nation.

Mr. Chairman, we have already suspended by act of Congress within the past year certain of these provisions insofar as they relate to the Navy, the Coast Guard, and the Maritime Commission. I suppose the Army is now operating in violation of the law; but those suspensions last only until June of this year and unless you adopt this amendment or some other amendment



that will continue the suspension of the 8-hour law, then on the 30th of June of this year you are going to be right back where you were before that legislation was enacted. I do not believe this Congress wants to find itself in that position. I think we have been handicapped enough—God knows—by strikes and stoppages of work for silly reasons, not by the men themselves, but because they were ordered out by some arbitrary labor leader who has the power to say to them that they may work or that they shall not work, just as he dictates to them.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. WHITTINGTON. Is it not true that if this amendment is adopted it will merely prevent the continued operation of statutes that require the payment of time-and-a-half overtime for extra hours and for work on holidays and Sundays?

Mr. SMITH of Virginia. Yes.

Mr. WHITTINGTON. And will not prevent the employer and the employee from agreeing upon any terms they may desire with respect to their demands.

Mr. SMITH of Virginia. It leaves it exactly up to the employee and the employer to determine for themselves by collective bargaining what the wages and hours will be, something many of our friends who claim to be the champions of labor have been contending for for many years. Now, if they will just leave it to collective bargaining—that is the instrument Congress has given them—then the matter of wages and hours will be settled.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. MONRONEY. I would like to ask the distinguished gentleman from Virginia whether his amendment applies to nondefense industries as well as to defense industries; if candy-factory hours can be lengthened under the amendment and if hours in other kindred industries could be extended?

Mr. SMITH of Virginia. Yes; it suspends the law as to all industry.

Mr. MONRONEY. As to everything?

Mr. SMITH of Virginia. Yes.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SMITH of Virginia. Not only do these laws limit time but in many instances they absolutely prohibit work in excess of 8 hours a day or work in excess of 40 hours a week. They actually make it unlawful for a man working on a tank or on a ship or on a gun to work longer for his country than 40 hours a week and assess a penalty if he does so. Furthermore, the Reconstruction Finance Corporation Act contains a limitation of 30 hours a week. That was done for a reason: because we were trying to spread work; we had more workers than we had work; now we have more work than we have workers, and the conditions are just

the reverse. There is a provision in the R. F. C. Act which says that all loans made under that act should, as far as practical, be confined to 30 hours a week.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. HANCOCK. The gentleman no doubt recalls that a few weeks ago the House passed by suspension a bill introduced by the gentleman from Virginia designed to prevent work stoppages. The Senate refused to act on that bill. Has the gentleman any hope that the Senate will accept this amendment?

Mr. SMITH of Virginia. I can only speak in the language of the poet, "Hope springs eternal in the human breast."

Mr. Chairman, pursuant to permission obtained in the House this morning, I attach to my remarks letters on this subject addressed to me by the National Grange and the American Farm Bureau Federation:

THE NATIONAL GRANGE,  
Washington, D. C., February 25, 1942.

Hon. HOWARD W. SMITH,  
House Office Building,  
Washington, D. C.

DEAR MR. SMITH: The National Grange is in favor of the enactment of your bill, H. R. 6616, suspending the 40-hour week, together with that provision of the Fair Labor Standards Act which provides that workers shall be paid on the basis of time and a half for overtime.

When this legislation was enacted there were millions of unemployed men in the country, and the chief argument used in support of it was that it would spread employment opportunities.

Today we are confronted with a totally different situation, with labor shortages developing in many quarters.

It is universally recognized that our best chance of defeating the aggressor nations lies in utilizing and developing our productive capacity to the utmost. For anyone to contend that the workers of the United States cannot put in more than 40 hours a week without ill effects amounts to the same thing as saying that we do not have what it takes to win the war.

At the time of its enactment, the time-and-a-half rule for overtime was frankly intended to make it so expensive for an industry to operate more than 40 hours a week that it would not be attempted except for short periods and under the most compelling circumstances. Under the changed conditions existing today this rule, which retards our war effort and hamstrings us in other ways, should be suspended for the duration of the war, as provided in your bill. It is, of course, understood that every worker should be paid at regular rates for every hour of service rendered.

The 40-hour week in industry, with time and a half for overtime, is a leading factor in bringing about a farm-labor shortage, which is already assuming critical proportions in various sections of the country. The welfare of the Nation as a whole demands that this question be dealt with realistically, sensibly, and without further delay.

Sincerely yours,

THE NATIONAL GRANGE,  
FRED BRECKMAN,  
Washington Representative.

AMERICAN FARM BUREAU FEDERATION,  
Washington, D. C., February 25, 1942.

Hon. HOWARD W. SMITH,  
House of Representatives,  
Washington, D. C.

MY DEAR CONGRESSMAN SMITH: We wish to strongly endorse your amendment to the second war powers bill to suspend for the

period of the war emergency the provisions of existing laws which prescribe the 8-hour day or the 40-hour week and which require an increased rate of compensation for overtime, Sunday, and holiday work.

The conditions which led to the enactment of such legislation are no longer important. Instead of the need to spread the available work, we are confronted now with the grave problem of working fast enough to produce the planes, guns, tanks, and ships needed to win the war. Our objective now must be maximum production per worker and per plant.

We are fighting for our lives and our very existence as a nation of free men. Millions of our boys are responding patriotically to serve their country for \$30 per month. They are risking their lives at all hours of the day and night, including Sundays and holidays, without thought of asking for an 8-hour day or 40-hour week or extra pay for overtime.

Farmers and the great masses of the working people of this country are patriotic and want to do their part and do not desire a price be put on their patriotism. Millions of farmers have already pledged themselves to cooperate with the Government in an all-out effort to produce adequate food and fiber needed for ourselves and our Allies. They are not going to stop work at 8 hours. They will work 10 hours or 12 hours or whatever is necessary to do their part to win the war. The workers who produce the war materials for our fighting forces are now being paid the highest wage rates in history. We believe the great mass of working people would be glad to work whatever hours are necessary without extra rates of compensation as their contribution to produce the necessary materials to win the war.

At a time like this, when we have already appropriated or obligated \$150,000,000,000 for war expenditures, it is unwarranted and indefensible to continue restrictions which saddle unnecessary burdens on the Government to be paid for by all the people.

We therefore strongly urge that Congress adopt your amendment to suspend legislation relative to maximum hours and increased rates of pay for overtime for the duration of the war.

Respectfully yours,

EDWARD A. O'NEAL, President.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Virginia [Mr. SMITH], and I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mr. McCORMACK. Mr. Chairman, I am very sorry that the gentleman from Virginia [Mr. SMITH] has undertaken to amend this very important war measure which is so essential to the successful prosecution of the war by offering the very controversial amendment which he has offered. When we were considering an appropriation bill only a few days ago the gentleman offered an amendment, which if adopted, would have for all practical purposes prevented the speedy operation of that great appropriation bill so necessary for our defense. Today we find the gentleman again offering an amendment.

Mr. SMITH of Virginia. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I think the gentleman is rather unfair in his statement.

Mr. McCORMACK. The gentleman from Massachusetts is not unfair in his statement. If the gentleman is going to get into characterizations, that is an entirely different proposition.

Mr. SMITH of Virginia. Well, I do not propose to make a personal attack on the majority leader, but neither do I intend to sit here and let him make a personal attack on me.

Mr. McCORMACK. It is an expression of opinion as to what would have resulted from the amendment which was offered by the gentleman a few days ago.

We are in a war and we do not want to lose our heads. The effect of this amendment is to suspend the efforts of 50 years of legislation which goes back as far as 1892, legislation that both sides of the aisle have fought for, legislation that was passed when the Republican Party was in control of the Congress, the Bacon-Davis Act, for example. This amendment affects the Bacon-Davis Act. It suspends the operation of 17 different laws, the first of which was enacted as far back as 1892, without calm consideration by a committee, without viewing the matter rationally. Of course, I would not say for an instant that the gentleman from Virginia, for whom I have great respect, had any intention of introducing an antilabor amendment, but certainly the effect in the minds of labor all over the country is the same as if the intent existed.

It seems to me that calm judgment should dictate to us that this matter might well be left with the President of the United States, who is charged with the successful conduct of the war. Certainly no man has had more vision during the past 5 years as to the danger confronting this country than has Franklin D. Roosevelt.

The gentleman from Virginia has this year and last year offered his amendment. If this amendment is adopted the condition that exists would only become greater and more aggravated. Certainly if any conditions exist which require some kind of treatment and cure, we do not want to undertake by legislation a method which will only aggravate the situation.

Mr. STARNES of Alabama. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Alabama.

Mr. STARNES of Alabama. The distinguished majority leader does not take the position, does he, that the Congress of the United States by the passage of one certain law relating to one segment of our social order should never be changed, should never be repealed, should never be altered under any or all circumstances, even though our Nation were in travail and war at this hour?

Mr. McCORMACK. Of course, the gentleman understands I would not take that position. The fact is, however, that is not the situation now, as I see it.

This is an amendment which would go back to 1892 and affects 17 acts passed since that time or at different times since 1892. These acts the amendment would suspend for the duration of the war—the operation of that progressive legislation insofar as the workingmen of the country are concerned.

I hope that no one in a few days will undertake to attack the agricultural leaders for their position in putting through a bill that responsible men have said will cost the consumers \$1,000,000,000. I am not attacking those leaders, and I will not. I will defend them in their right, although I disagree with them. If anyone undertakes to attack them in the near future for their leadership, I shall defend them. We have too much idle talk these days about the leadership in labor. But what about the leadership in industry? What about the leadership in agriculture? There are other things involved beside the leadership of labor. There are some that should be criticized, but not all. The great majority are acting constructively and patriotically in this crisis.

In an attempt to cure a disturbing situation, which disturbs me also, but which has been gradually cured through voluntary action since December 7, this amendment is offered, the result of which will only aggravate and bring about sullen resistance, because the effect of this amendment will be construed by organized labor as an attack against labor.

In war there are three important elements necessary for the successful outcome of that war. First, production. You have to have tanks, airplanes, guns, ammunition, food, and clothing, and we look to the men and women of the factories to furnish those things. What do you think their opinion will be if an amendment of this kind is adopted, which will be construed as a reflection upon their patriotism?

Certainly 99 percent of labor, both organized and unorganized, are doing the things that they ought to do in this crisis. Why, before the President of the United States recognizes the danger, before he as our leader has recognized it, should we undertake to punish the 99 percent for what 1 percent or less might be doing? In a democracy that is unwise; it is procedure which is inconsistent with the application of common sense and is dangerous in the situation that confronts our country today.

In an attempt to cure the situation, the gentleman from Virginia, in good faith—I do not attack or impugn his motives—offers an amendment, the result of which will be to aggravate a situation and to place labor in the position of being unpatriotic. I do not think any Member of Congress ought to take that risk.

[Here the gavel fell.]

Mr. COX. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I regret that my friend, our majority leader, has manifested impatience with the effort of the gentleman from Virginia to give voice to public opinion. It just is not good sportsmanship, and I wonder if it is good leadership. I have hoped that at some time the gentleman from Massachusetts, our majority leader, would come to a realization of the fact that he is supposed to speak for the majority of this House rather than for somebody else.

He denounces the Smith bill as antilabor legislation. On every occasion when a proposal is offered to do some-

thing which the racketeers in labor might oppose, the gentleman from Massachusetts rushes to the Well for the purpose of defending these people who are responsible for the bad conditions that prevail in this country.

The gentleman from Virginia is not trying to punish labor. He is trying to do something which must be done if we are to successfully prosecute the war in which we are engaged.

We may just as well be honest about this thing. We are already living under a labor government, rapidly headed into a labor dictatorship which, if not checked, will soon run into labor despotism.

Mr. McKEOUGH. Mr. Chairman, I demand that the words be taken down.

Mr. COX. Let us be real, let us be men, let us be Americans rather than the representatives of some organized group.

The CHAIRMAN. The gentleman from Georgia will suspend.

Mr. McKEOUGH. Mr. Chairman, I make the point of order that the gentleman from Georgia has described this Government as a labor government, fast becoming a labor dictatorship, and I demand that his words be taken down.

Mr. COX. And which, if not stopped, will run into a labor despotism.

Mr. McKEOUGH. I demand that his words be taken down, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia will be seated.

The Clerk will report the words objected to.

The Clerk read as follows:

Mr. Cox. We are already living under a labor government, rapidly headed into a labor dictatorship which, if not checked, will soon run into labor despotism.

The CHAIRMAN. The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (S. 2208) to further expedite the prosecution of the war, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and that he herewith reported the same to the House.

The SPEAKER. The Clerk will report the words taken down.

The Clerk read as follows:

Mr. Cox. We are already living under a labor government, rapidly headed into a labor dictatorship which, if not checked, will soon run into labor despotism.

The SPEAKER. Whatever might be the opinion of anybody who occupies this place, the present occupant would think that it would be going very far, even though words were harsh, if Members were precluded from expressing an opinion with respect to a Government tendency. The Chair sees only in these words the expression of an opinion by the gentleman from Georgia and therefore feels constrained to hold that they are not unparliamentary.

The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further



consideration of the bill S. 2208, with Mr. COOPER in the chair.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. COX. Mr. Chairman, we are at war, and as I said a few days ago, it is everybody's fight. It is not a matter of saving England any longer, it is not a matter of reforming the rest of the world, but it is a matter of saving our own beautiful America. You and I are soldiers just as much and to a large extent in the same sense as the boys who have been gathered up throughout this country and sent to do the fighting, and we ought to behave like people who do have a sense of responsibility and we ought to give them support. It is a shame and a disgrace that something has not already been done to stop and bring to an end the bad behavior in labor which has slowed down the war efforts. It constitutes an ugly indictment of the Congress and of the Government. We ought to do our best to make amends. As I say, we ought to come here and stand up on our own feet and do our own thinking and behave like people who love their country and who are determined to do their part in saving it. That is just what I have to say with regard to the attack, slight as it may have been, that the gentleman from Massachusetts has found it in his heart to make against as sweet and as gentle and as patriotic a man as ever lived, the gentleman from Virginia, my friend, HOWARD SMITH.

[Here the gavel fell.]

Mr. CELLER rose.

The CHAIRMAN. Is the gentleman from New York [Mr. CELLER] seeking recognition?

Mr. CELLER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. CELLER. Mr. Chairman, it was the famous philosopher, Voltaire, who many years ago said, "I disapprove of what you say, but I will defend to the death your right to say it." We should allow anyone here to express his opinions, however we may hate them. We may not agree with them, but we should allow them to be said. That is the essence of our democracy. We must be tolerant of the opinions we loathe.

Now, I venture the assertion with reference to this so-called Smith amendment, although I have no pipe line of communication to the White House, nevertheless, I caution you in this fashion. If this amendment is adopted this entire bill will be vetoed. Our great President's entire record of achievement here and abroad precludes his acceptance of this amendment. His proclaimed aims and aspirations forbid. His lofty purposes would preclude acceptance. He would have no choice but to veto.

We should do all in our power to get a record vote on this bill so that those of you who vote for the Smith amendment may be, indeed, on a hot spot when they face their constituents; you who have any preponderating numbers of laboring men in your districts beware. I do not like to say this, but it is true. I need not remind you that our votes are

always scrutinized, but in this instance our votes will be watched more closely than ever.

I am willing to trust the President's committee that fashioned and proposed this bill originally, composed of representatives of the Department of Justice, the Office for Emergency Management, and the Bureau of the Budget.

This committee considered the Smith amendment and deemed it advisable, under all considerations and particularly because of the emergency confronting us, not to include the provisions thereof in this omnibus bill. They knew whereof they spoke. They had canvassed the situation. They knew all details of our great war effort. They deemed it more advisable to omit the Smith antilabor provisions.

The Smith amendment would wash away at one fell swoop all the fruits of years of labor to the laboring man. It is most ill-advised to do this and I hope you will not do it.

There have been charges made against labor. Of course, labor is not perfect. There have been stoppages of work and strikes and difficulties in various parts of the country, but the rank and file of the laboring men are patriotic and want to do their duty and are doing their duty. Most defense plants work far more than 40 hours per week; for example, most work 60 and 65 hours per week.

Do not bring an indictment against labor as a whole because of the derelictions of a few renegades in labor's ranks.

Protect labor and it will protect you. These bills that are sought to be wiped away—suspension means wiped away and wiped out—have only been secured for labor's benefit after years of "blood and sweat and tears." Labor, the men who have tunneled the mountains, built the bridges, laid down the railroad ties, dug the subways, welded the steel girders of great buildings—the "hewers of stone, the drawers of water"—the great army fabricating our ships, planes, and tanks—shall they be insulted by this amendment? Insult them you will. Belittle them you will with this provision. This is hardly a reward for their sacrifices, their struggles to build America and to make of it a great industrial Nation.

Pass this amendment and you will not aid the war effort. You will create disturbance, disorder, discord, dissatisfaction. You surely will not create amity, accord, and unity. You browbeat the men who work with the sweat of their brow.

What are these 17 acts that you are going to obliterate so suddenly, without notice, without a hearing—by a sort of drumhead court martial? Does anyone in this room, with the exception, very likely, of the gentleman from Virginia [Mr. SMITH] know what these 17 acts are? Have you read them? I defy any man or woman within the hearing of my voice to tell me what is contained in these 17 bills that you are going to repeal. Just cast your eye over these bills. The mere titles of them indicate to you their high importance. They are specific statutes, emanating from a dozen different departments, covering specific

subjects. They cover almost the entire geography of the world—the entire United States, parts of Europe, the Philippines, and the Caribbean insular possessions, places over which the Maritime Commission has jurisdiction; they cover the War Department and the Navy Department and the Reconstruction Finance Corporation, and so forth. You have had no time to digest properly the provisions of these statutes thus to be destroyed. Don't you think that the amendment should come up under a separate bill to be voted up or down, as your conscience dictates, and not in this offhand manner. The amendment impugns the patriotism and loyalty of labor. Why take this potshot at labor? We did not do this against the employers or against the men of agriculture. No, but some seek to have us do it against labor. I am not going to do it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITTINGTON. Mr. Chairman, defense is lagging, tanks are not being produced, planes are not coming off of the assembly line. MacArthur is begging for just a few bombers. We can lose this war. Last week, Donald Nelson said that he would like to have all defense plants work on Washington's Birthday. He did not have the legal power to enforce that request, and he could not make it a command. There were statutes in the way. We do not want any 8-hour-a-day soldiers, and we do not need any 8-hour workers to provide for any 8-hour soldiers. We do not want any sunshine soldiers, and we do not want any fair-weather workers. There is nothing new about this proposed amendment. It has been said that it provides for the suspension of 17 statutes. Suppose it does? Most of them are statutes that relate to national-defense production. One of them applies to Federal employees. Why should it not apply, if they are to apply, in the factory? What about the workers who are not engaged in defense plants? The patriotic worker would be willing to work longer than 8 hours a day or 40 hours a week if he could thereby release more workers for our defense plants. Let us give the workers a chance. The gentleman from Massachusetts [Mr. McCORMACK], the distinguished majority leader, said that labor had been voluntarily cooperative. The purpose of this amendment is to enable labor voluntarily to cooperate. This amendment merely repeals the statutes that restrict hours to 8 a day and work to 40 hours a week. It does not prevent the bargaining over time and a half for overtime. It contemplates collective bargaining. It is fair to the employer and the employee.

Is there anything new about the amendment? This is a bill to provide for expediting the prosecution of the war. One of the first of the 1940 war bills provided that the President be authorized to suspend in the Navy Department and the War Department the 8-hour-a-day provision. Is this the proper place for legislation to provide for additional hours to expedite the program? Shortly after the fall of France one of the first war-power bills passed, one of the first

things we did in our effort to provide for national defense, was to give the President power to suspend the 8-hour day in the War and Navy Departments by the act of June 28, 1940 (Public, No. 671, 76th Cong.).

Again, Mr. Chairman, it is said by my good friend, the distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK], that this amendment will, during the duration of the emergency, suspend labor laws passed in 1892. One of the first laws suspended in the pending bill is not a law passed in 1892, but it is law that has come down to us from the days of Runnymede. Under that statute my home, my castle, your home, your land, can be taken immediately without concluding condemnation proceedings. I respectfully submit that if it is necessary to change a statutory provision that has come down to us, not from 1892 but from the days of Washington, from the days of Runnymede, in order to prepare for the defense of our country to prosecute the war, we can afford, during the emergency, to suspend the statutes that will provide for our laborers to arm and clothe our boys who are in the camps, on the seven seas, on the battlefields, and in the air fighting for liberty and freedom. If men are to die for their country, they must work for their country. It is time for action and for work and sacrifice. The fate of the Republic is at stake.

In extending, I emphasize, as stated, that one of the first general war-power bills passed after the fall of France was the act of June 28, 1940. It authorized the President to suspend the provisions of the law prohibiting more than 8 hours labor in 1 day of persons engaged in work covered by the Army, Navy, and Coast Guard contracts. This suspension terminates on June 30, 1942, unless Congress otherwise provides.

The act of March 2, 1941, provides for the suspension of the 8-hour day and the 40-hour week by the Maritime Commission until June 30, 1942.

We need munitions and we need ships. If the hours and weeks of labor were properly suspended in these two acts until June 30, they should be suspended as provided by the pending amendment.

The pending amendment was introduced as a bill, H. R. 6616. It was referred to the Committee on the Judiciary. The amendment and the bill provide that during the national emergency, declared to exist by the President on May 17, 1941, the provisions of all laws prohibiting more than 8 hours labor in one day, the provisions of all laws prohibiting more than 40 hours of work per week, the provisions of all laws requiring pay for excess hours at not less than one and a half times, and for pay at not less than one and a half times for Sundays or holidays shall be suspended. Under the terms of the bill the amendment would remain in force only until December 31, 1944, or until such earlier time as the Congress by concurrent resolution or the President may designate.

Men are being drafted to die for their country. The property of citizens is be-

ing taken for the defense of the country and for the prosecution of the war. Taxes have been levied and many citizens are paying taxes that are burdensome. These taxes will be increased. In the high brackets 85 and 90 percent of every dollar of income is being paid as taxes. In the high brackets three-fourths of all the estate left is being taken by the Government. All are sacrificing. The gallant MacArthur and his brave men are fighting not 8 hours but 24 hours a day. The purpose of the bill is to increase production.

We might as well admit that blunders were made and that there was an unjustified lag in the defense program in 1941. Many of the advisers of the administration seem to think that the appropriation of billions of dollars will win the war. Money is essential, but production and leadership are more essential.

We cannot do business as usual and win the war. In 1941 the automobile industry did business as usual; in fact, they did more business than usual. They brought out new models and they increased production by one-third. Their plants were not converted. The Government invested billions of dollars to build new plants. These plants will have to be tooled. Automobile plants are now being converted. There is a lack of skilled workers. It has been proposed that the skilled workers in the automobile area be paid to do nothing for 6 months while the automobile plants are being tooled for defense production. Meantime there is a lack of skilled workers in the plants that the Government has constructed. The wise thing to do is to transport the skilled workers to the plants where they are needed. If the Government can transport soldiers from camp to battlefield, from one country to another, the Government can transport workers from one area to another. Men leave their homes to die; they can leave their homes to work.

America should awake. We have gone from one defeat to another. I am being realistic. I believe that America will win the war, but we know that America can lose the war. It is going to take more hours and it is going to take more workers to produce airplanes, tanks, and guns. We must about face. I want to be constructive in my criticism. I know it is easy to find fault. I want to remove the faults. I want to eliminate the bottlenecks. The labor problem is one of the bottlenecks. It was wisely said a long time ago when a wise man has a stomach ache he tries to get rid of the ache and not the stomach.

There is a lag and there is delay. Strikes and labor difficulties are largely responsible. William Leiserson, of the National Labor Relations Board, said recently, and I quote:

Some agreement will have to be made on what the attitude of the Government shall be on the closed shop, or else Congress will have to fix the policy.

The House has acted. We passed the so-called Smith bill in December. It is in the Senate. If the Commander in Chief would say the word, I believe the

Senate would report and pass the bill. If it is imperfect, it should be perfected. It is time for the President to take a definite stand; it is time for Congress to take a definite stand.

The pending bill has 16 titles. They are giving to the Government emergency powers; they involve the surrender of rights and privileges that citizens have enjoyed, in many cases, from the foundation of the Government.

There is nothing so essential to war production as labor. No rights are being surrendered; no laws are being repealed. The laws are merely suspended during the greatest emergency that ever confronted our country.

I have already noted some of the objections to the pending amendment. It is said that labor is cooperating voluntarily. The 8-hour day and the 40-hour week were laws passed by Congress. If Congress can pass laws for the benefit of labor, Congress can pass laws to govern and control labor. Laws that are applicable in peacetimes are not applicable in war; hence the pending bill provides for the surrender of many rights and privileges of citizens.

I shall not argue that much time has been lost by strikes. We speak of the morale of the Army. There must be the morale of the country. The citizen is losing morale when he feels that there are unjustified strikes in defense plants and in defense industries. The citizen loses morale when Donald Nelson, charged with production, calls upon the navy yards and defense plants to work on Washington's Birthday and calls in vain. There is a statute that requires the payment of overtime and a half for working on holidays and at nights. Donald Nelson is thus impeded in doing the job. Donald Nelson knows that every hour counts, every week counts. It means fewer lives lost. The purpose of the bill is to enable work to be done on holidays. It does not prevent the payment of time and a half for overtime. One statute requires 30 hours, another statute may require other hours. There are many statutes. All provisions are suspended in the pending bill in the interest of national defense.

It is said that the pending bill not only provides for suspension in defense plants but for suspension in private industry. What of it? Why should not Federal employees be required to work Saturday afternoons during the emergency? Why should laborers on the farm and in the factory not have the privilege of working longer than 8 hours a day and 40 hours a week? They could produce more food and more clothing; they could feed and clothe the soldiers better; they could do work that would provide for the release of other workers needed in national-defense industries. Why make flesh of one and fowl of the other? Workers in nondefense plants are just as patriotic as workers in defense plants. I glanced through the 17 acts. Three-fourths of them relate to national defense. We fought every war in which we have been engaged without a wages and hours act. If the pending amendment should be



perfected to eliminate any nondefense work, an amendment would be in order to that effect. The amendment should not be defeated.

It is said that labor is patriotic. My sympathies are with labor; it is said that the labor organizations are buying millions of dollars in defense bonds; they are to be commended. Many war profiteers justify their corrupt practice by saying they are investing their profits in war bonds. The widow is investing her savings in war bonds. The rich and the poor are asked to make their investments. Workers want to work longer so that individually they can invest in war savings bonds. The pending bill will enable workers to work more hours and to make more money to buy more bonds. It will free them from the domination of selfish and ambitious labor leaders who are apparently more interested in their place and their power than they are in the defense of their country.

It is time for Congress to act. The House has acted; it is time for the Senate to act again. Labor is essential to the winning of the war; it must not be shackled. The pending bill will free labor. We must work or we will be enslaved. For my part I would rather die on my feet than cringe on my knees. America should awake. We must conquer; we must unite. All must do their part.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. Mr. McKEOUGH. Mr. Chairman, I rise in opposition to the amendment.

I ask unanimous consent, Mr. Chairman, to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McKEOUGH. Mr. Chairman, I would like, with your indulgence, to call attention to the fact that when this amendment was being considered as to its germaneness, the Chair ruled, and, I submit, properly, that it was germane on the basis that it was introduced in keeping with the title of the bill that is now being considered. The title of that bill is "To further expedite prosecution of the war." The amendment that is now being considered is contained in the bill H. R. 6616, a bill to amend an act entitled "An act to expedite prosecution of the war effort," approved December 18, 1941.

Before I proceed to discuss my objection to this particular amendment, I would like, in passing, although I do not think he needs any defense, to call attention to the fact that the distinguished majority leader of my party does not rush to the well of the House to defend labor racketeers whenever any labor legislation is before the House, as recently charged. I do not believe the distinguished majority leader of my party needs any defense as to his conduct as a Member of this body. I think he was well within his province and right as a Member of the House to express his views on the legislation that is now before us.

I have profound respect for his judgment and equally high regard for his qualities as a leader.

Now, if this is a bill to expedite the war, let us be a little realistic. If this amendment is adopted all legislation with relation to control of wages and hours, Sunday and night work provided in the statutes referred to, some 17 of them, are immediately canceled. Offhand, I do not know how many millions of workers in America are subject to the benefits of the legislation that is affected. I trust you will not feel I am trespassing too much on your indulgence when I repeat what I have frequently said. I do not believe there is a member of this body who is any better American than 99.99 percent of those who toil in this country. Who are those who will defend our country in the air, on the sea and below it, and on the land? It is the stalwart sons and daughters of those who toil, whether they be in the factory, mill, or mine, or on the farms. Who will defend and are now defending our country? They are all toilers. They are all Americans. They are all patriots. While I in no way impugn the motives of the gentleman from Virginia [Mr. SMITH], I do, however, feel that it might be worthy of some attention in passing to recall that I am sure he yields to none in this House in the perseverance and persistence with which he attempts to make more difficult the benefits that this Congress and previous Congresses have enacted into law for the benefit of those who work for a living.

I want to pay him the high compliment of being No. 1 in the direction of making sure that those who toil are not continued in the benefits that the Government of my country and his, after full and deliberate study, has enacted into law for them.

In the perseverance with which he exercises himself in that direction he apparently has overlooked another law that has a basic 8-hour day, a law passed in 1916, before this country was involved in World War No. 1. I refer to the Adamson 8-hour law that covers employees in the train and engine service of the steam railroads of this country.

I am surprised that the distinguished gentleman from Virginia [Mr. SMITH] has apparently overlooked several hundred thousand Americans who are involved in the benefits of that law. May I remind him and this House that it was enacted in 1916—not 1917 after April when we were belligerents, but before this country was involved in the war. I am reliably informed, and I think correctly so, that the basic 8-hour day was established by Executive order of the World War President at that time, Woodrow Wilson, for the factories and mills and mines of this country.

You will recall the gentleman from Nebraska [Mr. McLAUGHLIN] stated that the gentleman from Virginia [Mr. SMITH] came to his subcommittee after the hearings were closed and asked to be heard on this amendment to the 17 laws that he now seeks to suspend. The gentleman from Nebraska stated that he was heard, but, strangely, he was unable to testify for the benefit of the Members of this House that those who might have opposed the inclusion of such amendments in this act were never notified and were, therefore, denied any hear-

ings before Subcommittee No. 4 of the Committee on the Judiciary of this House.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. McKEOUGH. Yes; I yield.

Mr. McLAUGHLIN. In order that the record may be straight—

Mr. McKEOUGH. I want it straight.

Mr. McLAUGHLIN. I believe the record will show that I said that the gentleman from Virginia [Mr. SMITH] came before the committee and presented no amendments and the hearings had been concluded. I would not characterize the presence of the gentleman from Virginia [Mr. SMITH] before the subcommittee of the Judiciary Committee as a hearing before the subcommittee. We listened to the gentleman from Virginia [Mr. SMITH] when he said he had in mind some amendments, but he did not present the amendments, and I would not say that he had a hearing or that a hearing was accorded him or that those in opposition to such amendments as he may have had in mind were not accorded any rights which they should have been accorded.

Mr. McKEOUGH. I thank the gentleman and I hope that my original statement will in no way be interpreted as an indictment of the gentleman from Nebraska.

Mr. MARTIN J. KENNEDY. Mr. Chairman, will the gentleman yield?

Mr. McKEOUGH. Briefly.

Mr. MARTIN J. KENNEDY. If the gentleman will examine the hearings printed by the Judiciary Committee, he will find there a statement of the gentleman from Virginia [Mr. SMITH], which might give the impression that he was heard and had something to say.

Mr. McKEOUGH. I will accept the word of the gentleman from Nebraska; and now in passing let me point out something I think ought to be given some consideration.

We hear much about strikes and loss of man-hours and man-days in defense-production plants. Has anybody come to the Well and asked as to the total number of man-days that were lost as the result of the delayed conversion of the automotive industry from peacetime to war production? Have we all forgotten that the President of the United States has urged the Congress to allocate some \$300,000,000 to care for the several hundred thousand people who are now out of work in Detroit and other automobile areas of this country while the automobile industry is being converted to war production? Where is the gentleman from Virginia and the great exercise of his influence in the production program for defense when attention is directed to that sort of proposal?

I submit, Mr. Chairman, that if this amendment is adopted the purpose of the bill as described in the title: An act to expedite the prosecution of the war efforts will be completely defeated. Those who labor, whether organized or otherwise, I submit are Americans. I submit, too, their sons and daughters will win this war, not I or the gentleman from Virginia. I hope this amendment will be defeated in order that our country may

be the country in the future that you and I were privileged to have lived in during our lifetime. I plead with you to defeat this amendment. Let us go forward as real Americans and whip the enemy by defeating this proposal.

[Here the gavel fell.]

Mr. HEALEY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, in the time I have been here I have never witnessed such procedure employed for the consideration of such sweeping and far-reaching legislation. The amendment under consideration suspends the wages-and-hours provisions of 17 different statutes for the duration of the war. Among the many statutes affected is one enacted in 1892, providing for an 8-hour day for laborers and mechanics in the Government service. It suspends the Bacon-Davis Act, which was passed under Republican aegis, a bill sponsored by Senator Davis in the Upper Chamber and the late Robert Bacon, who served with many of us in the House. That act has been on the books since March of 1931. It will also suspend the wages-and-hours provisions of the Walsh-Healey Act and the Wages and Hours Act, and in fact every law that has ever been enacted by Congress for the benefit of the workers of the country.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. HEALEY. I yield.

Mr. MARCANTONIO. I take it, it is very significant that the very people who are seeking to suspend contemporary labor legislation, under the guise of war necessity, opposed that very labor legislation when it was enacted during peacetimes.

Mr. HEALEY. I thank the gentleman for his contribution. Now, there is a point I wish to make. There is not anything, so far as I know, in any of this legislation that prevents men from being employed for more than 40 hours. Under the provisions of the Wages and Hours Act, the Walsh-Healey Act, and the Bacon-Davis Act, and all of the principal labor acts, men may be employed for 50 or 60 hours a week, providing that time and a half is paid for all hours in excess of 40.

Mr. Chairman, let us think this thing through, let us not take hasty and ill-advised action on such an extensive and far-reaching proposition. The efforts of organized labor for 50 years to promote humane and progressive legislation is at stake here today. The forward, progressive and social advancement of half a century may be swept away after a few hours debate here this afternoon on a measure of such tremendous concern to the millions of toilers and their families. There is an orderly way to consider legislation, and that is its introduction and reference to proper committees, proceeding through the channels provided by the parliamentary system that obtains in this body. A most extraordinary method has been pursued to obtain consideration of this measure as an amendment to the pending bill.

The able and distinguished occupant of the Chair had very little precedent to guide him in making the ruling that the amendment was germane. I am convinced his ruling was sound, but his decision had to rest on a pretty broad construction.

The bill is entitled, "An act to further expedite the prosecution of the war," and the Smith amendment is presumably offered for that purpose. I fear however, that if it is passed the result may be detrimental to the production effort of the workers affected.

I submit that on the record the loyalty and patriotism of the workers cannot be successfully assailed. To summarily tear down the efforts of a half a century by the enactment of such legislation is shabby treatment indeed for labor.

This bill ought to be submitted to the serious consideration and deliberation of the appropriate committees of this House rather than be subjected to the hasty and ill-considered action that this method entails. I trust the amendment will be defeated.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from New York [Mr. BALDWIN] is recognized for 5 minutes.

Mr. BALDWIN. Mr. Chairman, I have spoken against this kind of amendment before, but I want to add briefly my several reasons for opposing it this afternoon. In the first place, may I preface my remarks by stating that I do not think there is anyone in this House whose motives can be questioned, and certainly it is not my intention to question the motives of any Member.

My principal reason for opposing an amendment of this kind is because I am convinced that psychologically it will not help the purpose of this bill. You cannot legislate enthusiasm, you and I cannot even legislate love of that flag if it does not stand for anything. What we want now is the cooperation of labor in its enthusiasm for the prosecution of this war, and that is what we have got to have. It is my own conviction that we are slowly and effectively getting it.

The President in his speech the other night stated that our production was on schedule; that in spite of the doubts of our enemies, we would have the planes, the tanks, the guns, the ships, and the ammunition that he announced we would have. I am prepared to take his word for that.

It must not be forgotten that this legislation does not stop strikes. We gave the President the power to stop strikes, and he has used it on several occasions. It is not a question of strikes or antistrikes here. We must remember also that we can give the President power to suspend such legislation as may be necessary when and if he deems it necessary and if we have not already given it to him.

It stands to reason that if we pass this legislation today the great mass of the working people are going to assume that the Congress is opposed to the progressive legislation that Congress itself has passed during the last 50 years. Personally I do

not want to have any part of it, and I think it would be a terrible mistake in the prosecution of our war efforts to pass such legislation at this time.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. If the Congress of the United States can pass legislation to promote labor, why cannot that same Congress pass legislation to control labor and to prepare for the defense of our country by suspending temporarily during emergencies certain provisions of law?

Mr. BALDWIN. The Congress can do anything it pleases, but when it passed legislation to promote labor, it was passed in proper, orderly fashion, and if we are going to pass legislation to suspend labor laws, then we should use the same method today. Nobody has had a chance to talk about this. This is all important, and, Mr. Chairman, we should not forget two things. In the first place, there are millions of workers who are not in defense industries who will be affected by the very statement of the gentleman from Virginia himself.

Mr. RUSSELL. Will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Texas.

Mr. RUSSELL. Does the gentleman know of a single one of them who is objecting to any hours of work?

Mr. BALDWIN. I do not know of any labor organization that is objecting to any hours. It has been stated here that under existing law they can work just as many hours as they want to work or as the Government or anybody else wants to have them work.

Mr. WHITTINGTON. Does the gentleman imply by his statement that if that bill were brought up separately and on another day he would vote for it?

Mr. BALDWIN. No. But may I say that I am sympathetic toward many of the purposes intended by the amendment offered by the gentleman from Virginia [Mr. SMITH] if properly brought up, and the President is given discretionary power to suspend laws, where necessary, and to handle the situation as it arises, instead of engaging in a blanket suspension. I would be much more sympathetic toward such a suggestion.

In the first instance I submit that we have to consider two things, first, the workers who are not in defense activities, and most important of all, and I know what I am talking about because I served as a private in the last war, there are thousands and thousands of young Americans who are relying on their families to continue to live as they want them to live and who cannot support their families on \$21 a month. Thousands and thousands of these young Americans today hope that progress is maintained so far as labor is concerned because the bulk of the men in the armed forces will go back to labor.

Mr. CASE of South Dakota. Will the gentleman yield?



Mr. BALDWIN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Does the gentleman think that the maintenance of some of the special privileges accorded labor is helping the morale of the \$21-a-month soldier?

Mr. BALDWIN. I so happen to think that way, because his family is involved, and his future stake in labor is involved. He would resent any abrogation of the progress that has been made on his behalf.

Mr. Chairman, I very strongly oppose the amendment offered by the gentleman from Virginia. Politics has been mentioned. May I say there are no labor votes I know of in my district.

[Here the gavel fell.]

The CHAIRMAN. The gentlewoman from New Jersey [Mrs. NORTON] is recognized for 5 minutes.

Mrs. NORTON. Mr. Chairman, I rise in opposition to this amendment. May I say that it seems to me extraordinary the way our blood pressures rise just as soon as the question of labor is brought to the floor of this House. In my opinion, the majority of people want to be fair to labor, and I believe also that the majority of the Members of this House, speaking for both sides of the aisle, want to be fair to labor. Because of that, I venture to say that the pending amendment will be defeated. I certainly hope it will be.

I do not know whether the Members have made very much of a study of this bill, H. R. 6616, but certainly it is a bill important enough to come to the House and stand on its own feet. It should not be offered as an amendment to a bill as important as the one before the Committee today. Apparently the author of this amendment does not seem to realize that the President has appointed a War Labor Board. Certainly that War Labor Board should be able to deal with the questions involved in this controversy. If the present War Labor Board is not, then another one probably will be appointed. My point is that we have no way of knowing, when an amendment of this kind is offered to an important bill such as this, whether or not the amendment is good. My opinion is the amendment is unjust, unfair, and altogether bad. Its object is to destroy all labor legislation, using the war emergency as an excuse to do what otherwise would not be possible—all in the name of national defense. Mr. Chairman, we are in a grave crisis and the working men and women of the country are doing a great job. There may be a few troublemakers, but why punish millions of faithful, courageous workers for the sins of a small minority?

Is it not true that because of the sacrifices and patriotism of the workers all industries are daily reporting deliveries of needed supplies far ahead of schedule?

I am thinking of the millions of men working in the foundries and the factories of the country today, giving their all, toiling and sweating for the defense of their country, supplying the implements of war that are so necessary to our boys

in the Army and the Navy. What kind of a feeling are they going to have when they are told that the Congress of the United States does not believe in their patriotism, does not believe in their desire to help their country?

I say to you that when that word goes out to the millions of people working in this country it is going to be pretty bad for the war effort we are trying to make. You cannot legislate patriotism, you cannot legislate enthusiasm. Both are necessary to win the war. You will find these qualities in the men and women who constitute labor. They will never let their country down.

While we are waging a war for democracy, the author and supporters of this amendment are waging a war in support of industrial slavery, for that is exactly what this means. It just cannot be done, and you know it. If free men are deprived of their rights, what kind of work will they produce? It would be just the difference between enthusiasm and complete discouragement.

When men work with their hearts as well as with their heads and their hands, we may count on victory. For God's sake, do not kill the spirit of the average American workingman. It means more than all the other considerations in our war effort.

In simple language, this amendment would destroy practically every present labor law. Even England, after 2 years of fighting, has not attempted to do that. Kill this amendment for all time and let the War Labor Board decide on labor policy. It is their job, and they are in a better position to do the job than we are.

Let the American working men and women know that at least we in the Congress have confidence in their patriotism and ability and also in their endurance, and that we are not a lot of Shylocks demanding our pound of flesh.

Mr. Chairman, is there anything wrong with paying a man overtime after he has worked 8 hours? I say to you that this bill eliminates overtime compensation and the limit on the number of hours a man may be compelled to work. Do you think men can do their best work under such compulsion? How dare we do anything like that to the working men and women of this country?

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. WELCH].

Mr. WELCH. Mr. Chairman, the so-called amendment under consideration is a bill, H. R. 6616, introduced by the gentleman from Virginia. It was referred to the Committee on the Judiciary and has not been considered by that committee. I doubt very much if a half dozen Members of this House ever read the bill which is offered in the form of an amendment to the pending measure.

It repeals in one fell swoop 17 labor laws including the Fair Labor Standards Act—wage-and-hour law—of 1938. This act is regarded by every fair-minded person in the country as one of the most humanitarian measures ever enacted into law. Before its enactment thousands of

women engaged in textile and other like industries were receiving as low as \$5 and \$6 a week and in many cases working 9 and 10 hours a day. Over 45,000 of them resided between the District of Columbia and the Hudson River.

Before the enactment of this law an owner of a textile industry in the State of Georgia paid his employees such a miserly wage that they had to receive contributions from local relief agencies. This is a matter of record. In the State of Mississippi the textile workers received from \$2.50 to \$7.50 a week.

Before the enactment of this law many unscrupulous employers of labor, who paid miserably low wages and as a result resorted to cutthroat competition, actually forced honest and conscientious employers of labor, who believe in the just policy of live and let live, to the alternative of meeting their terms or going out of business. These employers with high ideals craved this act, and I am positively sure are unalterably opposed to its repeal, as provided for in the so-called Smith amendment.

The repeal of the Fair Labor Standards Act would deprive hundreds of thousands of the lowest-paid workers in the country of the just gains granted under this act. The exploitation of 200,000 home workers is one of blackest spots in the economic life of America. This was eradicated by the wage-and-hour law which the gentleman from Virginia would repeal. It has only been through honest and rigid enforcement of the law that its beneficiaries were protected from those who would continue to exploit them.

Mr. Chairman, the bill under consideration, S. 2208, makes a grant of power to the President of the United States far beyond anything ever anticipated under our democratic form of government. Reference was made to this fact by the distinguished but conservative gentleman from Michigan [Mr. MICHENER], who stated in part:

But today we find ourselves in the war. It does not make any difference how we got in; it does not make any difference whose war it was or is; it is our war now. It is our fight. We must yield to the administration any power necessary to win.

[Here the gavel fell.]

Mr. WELCH. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. SUMNERS of Texas. Reserving the right to object, Mr. Chairman, I shall not object to this request, but I believe we cannot adopt the policy of agreeing to extensions of time beyond the 5 minutes allowed under the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WELCH. Mr. Chairman, to whom are we to look for guidance? Is it the President of the United States, who said in his speech of February 23, and I quote:

In every part of the country, experts in production and the men and women at work in plants are giving loyal service—

or is it to the gentleman from Virginia [Mr. SMITH] who would repeal nearly every humanitarian law on the statute books?

Mr. SUMNERS of Texas. Mr. Chairman, I should like to see if we can make an agreement with reference to a limitation of debate.

Mr. MARTIN of Massachusetts. If the gentleman will yield, there are a number of Members who are not here tonight who might like to speak on this amendment. I wonder if we could not fix the time tomorrow instead of tonight.

Mr. SUMNERS of Texas. In view of the number of Members who wish to speak on this amendment, perhaps I should change my request and ask that those Members rise who do not want to speak.

The CHAIRMAN. Does the gentleman from Texas desire to submit a unanimous-consent request?

Mr. SUMNERS of Texas. No, Mr. Chairman.

Mr. GOSSETT. Mr. Chairman, I rise in support of the amendment, and I am here to contend that this is a pro-labor and not an anti-labor amendment. I submit that 95 percent of the laboring people of this country, as has been alleged, are 100 percent American, wholly patriotic, and greatly concerned with the success of the war effort. It is the 95 percent who need protection from the 5 percent.

Within the last several days I have had a half dozen letters from people in my district whose sons are in the Philippine Islands. These mothers and fathers of boys fighting on the far-flung battlefields in defense of America express righteous indignation at anything that slows down or stops defense production in any way.

Now, let me give you a specific example of what this bill will do for labor. War Production Director Donald Nelson last week requested that no stoppage occur in celebration of George Washington's Birthday. On Monday, February 23, some 100,000 workers on the west coast wanted to work. Under the law it was provided they must receive double time for working on a holiday, and the employer said, "We cannot afford double time"; both were within their legal, if not moral, rights; so they did not work. Under existing laws no adjustment of this difference could be made. The War Labor Board has no authority to suspend existing laws. The Smith amendment does not repeal any law. It simply suspends for the duration such laws as may interfere with the war effort. Today more than ever before this is a war of production, and I submit that anybody, saint or sinner, rich or poor, farmer, laborer, industrialist, Government official or employee, or anybody else who stops or interferes with production is an enemy of this Republic.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield.

Mr. POAGE. Is it not a fact that under the present laws a man who has a plant capable of turning out material needed by the Government, cannot run

that plant 24 hours a day even though the employees may be willing to work three shifts, because the 40-hour week and the 8 hours a day laws will keep them from operating 24 hours a day with three shifts.

Mr. GOSSETT. I believe that is true. I have here the Washington Post for Wednesday, February 25. On the front page appears this head:

Phil Murray's boys: 5,000 refuse to work 10-hour day in West.

In a parallel column appears this head:

MacArthur's boys: Troops willing to buy own bomber in Bataan.

In the text of the article is the following report:

Five thousand Congress of Industrial Organizations workers walked off the job at the Bethlehem Steel Co. yards at San Pedro, Calif., at the end of 8 hours and said they would refuse to work a 10-hour shift on the \$81,000,000 worth of Navy destroyers being built by the company.

The boys in the fox holes of Bataan Peninsula and in the caves of Corregidor have no 8-hour per day limitations on shedding blood for this country, nor do they get time and one-half for overtime and double time for Sundays and holidays.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield.

Mr. WRIGHT. The gentleman spoke about those men who he says walked out of a plant on the west coast as being "Phil Murray's boys."

Mr. GOSSETT. I did not say that.

Mr. WRIGHT. In fairness to Mr. Murray, does not the gentleman think he ought to follow that by the statement that he directed them to walk out?

Mr. GOSSETT. No; I did not mention Phil Murray in connection with the west coast holiday stoppage. I said they could not agree on the pay because the law said double time for holidays and they could not get together; but if we would suspend those regulations they could agree and would not walk out on such occasions. I am sorry I have not the time to yield further.

In another part of the paper there is an article referring to a strike in an aluminum manufacturing plant in Cleveland, Ohio. Listen to this—here is what the Washington Post reports on the man who called the strike:

Alex Blaint, who was reported by the Associated Press yesterday as having led Congress of Industrial Organizations workers out of the Monarch Aluminum Manufacturing Co. plant at Cleveland, figured last year in hearings before the Dies committee investigating un-American activities.

On June 10 he was pictured before the committee as a Communist, an alien, and a former convict. He denied testimony of two witnesses who said he had told them he was a Communist, but admitted he was a Hungarian whose final citizenship papers had been held up, and that he had served 11 months in a reformatory on a charge of automobile theft.

An alien and an admitted ex-convict stops production on vital airplane parts. That is an insult to patriotic labor

throughout America. Speaking further of this strike is the following news report:

D. R. Gould, Monarch's secretary, declared the company is dealing with the Independent Aluminum Workers Organization, Inc., because this group was voted bargaining agent last September.

"The present curtailment is holding up important aircraft parts," Gould added. "We are getting pleas daily from Glenn L. Martin and other aircraft manufacturers for speedier delivery."

I submit to you it is high time that we have a definite labor policy in this country.

Both industry and labor are entitled to know what to expect from government, and the people of America are entitled to know what to expect from government, industry, and labor.

No one should be permitted to profiteer out of this crisis. Equal sacrifices must be required of all. This proposed amendment does not meet with my entire approval. It is a vast improvement, however, over our present policy of leaving matters up to the conscience of so-called leaders of industry and labor. Anything less than the best efforts of all Americans at this time is criminal.

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, if the last two and a half years of war has demonstrated anything, it has demonstrated that you cannot conduct a war with business as usual. The opposition to this amendment apparently takes the position that, irrespective of what happens in any other segment of our economic life, we still have to have business as usual as far as labor is concerned.

There have been a great many extravagant statements made this afternoon as to the effect of this bill, some rather hysterical statements, it seems to me. All that this bill does is to suspend for the period of the emergency—for the period while this Nation is fighting for its life—those provisions of law which provide that a working day shall consist of a limited number of hours and that employers whose employees work more than those hours shall be penalized by being compelled to pay a higher rate of wages for such overtime work.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. HOPE. Not right now. I am sorry.

Something has been said this afternoon about the effect that the passage of this bill might have on the morale of the working people of this country.

I would like to have you consider what the effect of our failure to pass this amendment will have upon the morale of the great mass of the citizens of this country who are working more than 8 hours a day, more than 40 hours a week, what effect it would have upon our men in the service in the Philippines, in Java, in Iceland, and in every part of the world, who are working unlimited hours for \$21 a month. This is not a backward step, as far as labor legislation is concerned. We do not repeal any legislation. We suspend it for the period of the emer-



gency, during a time when every citizen of the country is making many sacrifices, and is going to be called upon to make many more. I cannot believe that the morale of the working people of this country is going to be impaired. I have too much confidence in their morale. I know they want to carry their part of the burden. They are not putting any price on their patriotism. They want to produce, they want to work, they want to contribute anything they can, because they are just as much interested in what happens during this period of emergency as anyone else. It is their country, it is their boys who are fighting all over the world, and they are interested in any measure which will help us to achieve victory.

I say that those who are urging the adoption of this amendment are paying a greater tribute to the workingmen of this country than those who by their actions suggest that working people are not patriotic and will not work unless we continue legislation which is all right in peacetime, but is not applicable to a period such as we are in at the present time.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. HOPE. Yes.

Mr. WHITTINGTON. Is it not true that practically every title in this bill involves the suspension of rights that the citizens have exercised under statutes since the Government was established?

Mr. HOPE. Certainly that is right; and this is only one of many bills that we have passed since the emergency began to suspend the rights of the citizens of this country so that we may go ahead and carry on this war to a victorious conclusion.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I move the Committee do now rise. The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill S. 2208 and had come to no resolution thereon.

#### EXTENSION OF REMARKS

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert a statement by former Speaker Clark of the House.

The SPEAKER. Is there objection? There was no objection.

#### PAY AND ALLOWANCES, ARMY AND NAVY, ETC., DURING ABSENCE FROM POST OF DUTY

Mr. VINSON of Georgia. Mr. Speaker, I submit a conference report and statement upon the bill (H. R. 6446) to provide for continuing payment of pay and allowances of personnel of the Army, Navy, Marine Corps, and Coast Guard, including the retired and reserve components thereof, and civilian employees of the War and Navy Departments, during periods of absence from post of duty, and for other purposes, for printing, under the rule.

#### EXTENSION OF REMARKS

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter, together with a resolution from Mr. Murray, president of the Congress of Industrial Organizations.

The SPEAKER. Is there objection? There was no objection.

Mr. CHENOWETH. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a resolution by Southern Colorado Tire Dealers Association.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a letter from a constituent.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. D'ALESSANDRO. Mr. Speaker, I ask unanimous consent to extend my own remarks and include a radio address by former State Senator of Maryland, Mr. E. Milton Altfield.

The SPEAKER. Is there objection? There was no objection.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter from the Soldiers and Sailors' Home in the city of Washington.

The SPEAKER. Is there objection? There was no objection.

Mr. JONES. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection? There was no objection.

Mr. JONES. Mr. Speaker, to provide for an immediate report to Congress by the Federal Bureau of Investigation with respect to investigations heretofore made by it of certain employees of the Federal Government, I have offered the following bill:

*Be it enacted, etc.,* That within 3 days after the date of the enactment of this act, and on the first of each month thereafter, the Federal Bureau of Investigation, pursuant to the last paragraph under the heading "Federal Bureau of Investigation" of the Department of Justice Appropriation Act, 1942, shall report to Congress upon all investigations, and its findings thereon, heretofore made of the employees of the departments, agencies, and independent establishments of the Federal Government who are members of subversive organizations or advocate the overthrow of the Federal Government.

The background of this bill is an amendment offered by me and adopted on the floor of the House with only one dissenting vote, as near as I can recall. This amendment to the 1942 Department of Justice supply bill follows:

of which \$100,000 shall be available exclusively to investigate the employees of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations or advocate the overthrow of the Federal Government, and report its findings to Congress.

The conference committee of the House and the Senate added two words so that the amendment as finally adopted read as follows:

of which at least \$100,000 shall be available exclusively to investigate the employees of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations or advocate the overthrow of the Federal Government, and report its findings to Congress.

This language is a positive mandate to the Federal Bureau of Investigation to investigate beginning July 1, 1941, all Federal employees who are members of subversive organizations or advocate the overthrow of the Federal Government, and to report its findings to Congress.

Notwithstanding this mandate, the then Attorney General, Hon. Robert Jackson, determined the following policy for the Federal Bureau of Investigation. In my opinion, Mr. Jackson's policy hamstrung the positive mandate of Congress.

On page 14 of the hearings for the Department of Justice supply bill for 1943, the new Attorney General, Hon. Francis Biddle, reported the policy adopted by former Attorney General Jackson in the following statement. I quote Mr. Biddle:

Please do not think that I am critical of my predecessor. I am not in any sense critical. But you are always improving and changing your technique.

Therefore, before this was instituted, the practice had been, in order to disrupt the organization of the Department as little as possible, to write to the Department head and say, "We have information that John Jones is subversive. Therefore, when we get your approval, we will go ahead with the investigation."

It seemed to me on studying the mandate of the Congress that that was not the proper thing to do. The Congress said that the Federal Bureau of Investigation should make this investigation. They gave them \$100,000, and they told them to report.

Therefore the method was changed. It took a little work with the department heads, but they all agreed to it. The method was changed and was expressed in this letter.

For all practical purposes Mr. Jackson's policy directed Mr. Hoover to delay the investigation in any department until the department head permitted the investigation. The mandate of Congress was practically nullified until October 22, 1941, over 3½ months' delay.

When Mr. Biddle changed this policy the following results have been obtained by the Federal Bureau of Investigation. I quote the testimony of J. Edgar Hoover on page 126 of the Department of Justice hearings on the 1943 supply bill:

Since the clarification of the expedited procedure authorized on October 22, 1941, the Federal Bureau of Investigation has disposed of 656 such cases by investigation with the following results:

1. Determined no longer to be Government employees.....	387
2. Reports sent to employing agencies after completion of investigation:	
(a) Not answered.....	189
(b) Answered:	
No action deemed warranted by employing agencies.....	69
Discharged.....	11

The sources of names upon which investigations were initiated are carefully analyzed by the Federal Bureau of Investigation, and investigations are not initiated except where there is some substantive allegation against the employee of the Federal Government.

The total number of cases for investigation received to date is 3,695, which are analyzed as follows:

<b>A. Total number of names appearing on the list submitted by Congressman MARTIN DIES to the Attorney General:</b>	
1. Employees of the War Department, Navy Department and District of Columbia .....	130
2. Members of organizations not yet declared subversive by the Department .....	305
3. To be investigated on the Dies list .....	686
	<hr/>
	1,121
<b>B. Cases of persons whose names do not appear on the above list—cases initiated by the Federal Bureau of Investigation on the basis of complaints received from various sources:</b>	
1. Employees of War Department, Navy Department, and District of Columbia .....	146
2. To be investigated .....	2,428
	<hr/>
Total .....	2,574

It will be noted that the War and Navy Departments are investigating their own personnel under authority of the delimitation agreement entered into between G-2 Office of Naval Intelligence and the Federal Bureau of Investigation, which was based upon the Presidential directive of September 6, 1939, with reference to the handling of espionage, sabotage, and subversive activities. District of Columbia employees are not considered Federal employees within the purview of Public Law No. 135, Seventy-seventh Congress, under a ruling of the Attorney General.

You can see from this report of 269 employees by Mr. Hoover's organization only 11 persons have been discharged by the department heads, or 4 percent of the total.

In the cases of 69 of those so reported by the F. B. I. the department heads determined no action was warranted, and apparently these individuals will remain on the Federal pay roll unless Congress breaks the bottleneck. In 189 cases the department heads have not even seen fit to give the F. B. I. or the Department of Justice the courtesy of a reply. The department heads have ignored 95 percent of the F. B. I. report.

Remember that the positive mandate of Congress required a report of the findings direct to Congress. Hon. Francis Biddle, the Attorney General, established a policy requiring the F. B. I. to report to the department heads. You can see from the report of J. Edgar Hoover that his reports to the department heads of subversive employees and members of subversive organizations which advocate the overthrow of the Federal Government does not separate them from the toil and sweat of the American people who do not want these enemies of our way of life on the Federal pay roll.

The department heads do not consider 70 percent of the names given them by the F. B. I., your Government's highly trained and efficient fact finders for presentation of criminal cases, as worthy of any action to be taken by them, or worthy of any reply to the Department of Justice.

Here is the nub of what this bill I am introducing today will correct.

Mr. Biddle established the policy on October 22, 1941, as reported in the hearings on the supply bill, page 14. I quote Mr. Biddle:

Therefore, we said to the Department, "We will make the examination ourselves without giving you any notice. When the file is completed we will send the information to you, and then you must take action one way or the other."

This policy adopted by Mr. Biddle is not warranted in the face of the positive action of Congress in adopting the Jones amendment. The congressional action did not contemplate reporting the facts to the department heads, but to Congress. The report of J. Edgar Hoover shows that Mr. Biddle's unwise and unwarranted policy of reporting his findings to the department heads is fruitful of no results, and the people of the United States and Congress are hamstrung by the time it requires for Mr. Hoover to send his report to the department heads with 4-percent results. Remember, the department heads discharged as a result of the F. B. I. report 4 percent of the employees who have been reported, or 11 persons.

I have confidence that if the report is made to Congress forthwith, Congress will take positive action as the supply bills for each department, agency, and independent establishment are brought before it for consideration to eliminate the F. B. I. list of undesirable employees, since the department heads have failed to act on 95 percent of the cases.

I discussed this matter with the Attorney General on the 13th of January 1942 in regard to making an immediate report to Congress, and I quote from page 19 of the hearings:

Mr. JONES. I do not think it is a good idea, in view of some department heads having a tendency to turn under your reports on the ground of their being too busy, to keep from reporting that to the Congress.

Mr. BIDDLE. I am not sure about that. I would like very much to get you gentlemen's view after talking to Mr. Hoover. I think it might be wise to make an immediate report. I am not at all sure.

Our first thought was that we had better do the substance of the job and give you the whole picture, particularly as I was new. I did not start until after October. But I would like to have your advice about that. It might be that Mr. Hoover has gotten to the point where now it would be a very helpful thing within the next 2 weeks to give you the progress of the thing. I would like to have your judgment after you talk to Mr. Hoover of just what you want.

What would your feeling be about that, Mr. Jones?

Mr. JONES. I think that the report ought to be made, in view of the fact that the time has run over such a long period since the first Dies committee report was made. I think that Congress sought to be able to take action in the way of a positive enactment during this coming session.

Mr. BIDDLE. Yes; I think I agree with you.

Forty-two days ago I said, "I think that Congress ought to be able to take action in the way of a positive enactment during this coming session," and Mr. Biddle agreed with me. However, after a lapse of 42 days, no report has been forthcoming.

Supply bills for several agencies are yet to be passed by the House and Senate. If this report is delayed further, Congress is losing valuable time in eliminating the enemies of our way of life from the Federal Government pay roll.

Bear in mind that to date the reports of the F. B. I. referred to were Federal employees originally on the Dies list. Some of them were reported over 2 years ago. Now they are reported again by the F. B. I. to the heads of the department, and only 4 percent of these enemies are off the pay roll. Three hundred and eighty-seven apparently ran when they saw the F. B. I. coming.

This is a little less than tragic, and I think stronger language would apply. Were we not in war I would use stronger terms in describing my feelings. I am not so sure that some positive action should be taken against department heads, agency heads, and independent establishment heads, who by inertia or otherwise refuse to take immediate action, both upon the Dies list and the F. B. I. report.

I sincerely hope that the committee to which this bill is referred will give it an immediate hearing and that Congress will pass the bill to preserve the American way of life.

If the F. B. I. report clears all these Federal employees to their entire satisfaction, it is just as important for Congress and the people to know that fact. The guilty should be fired and the innocent should have their names cleared now. One way or the other, Congress should have the F. B. I. report without delay.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. THOM, for today, on account of death in family.

To Mr. PEARSON (at the request of Mr. COOPER), for the remainder of the week, on account of illness.

#### EXTENSION OF REMARKS

(By unanimous consent, Mr. MILLS of Arkansas was granted permission to extend his own remarks in the RECORD.)

#### ORDER OF BUSINESS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I rise to ask the majority leader when the bill relating to the Women's Auxiliary Army Corps will be taken up? There are very few women employed in war production or the war movement today. Very few compared with those employed in the World War and today the war is fraught with far greater danger to the United States. Hundreds of women have asked for a chance to serve their country by enlisting. Many women have asked to come in and hear the debate on the bill. Can the majority leader tell me when it will come up?

Mr. McCORMACK. As the gentleman from Massachusetts [Mr. MARTIN] knows, I am very anxious to bring the bill up.

Mrs. ROGERS of Massachusetts. I am sure of it.

Mr. McCORMACK. As a matter of fact, I announced several days ago that it would be brought up when a rule was



reported out. Then three or four rules came out all together. I placed them in the order of their importance. I stated last week this present bill under consideration would be taken up first; then the war-risk property-insurance bill next, and the Rogers bill after that. That is the order. However, that order is always subject to appropriation bills, as the gentleman from Massachusetts well knows. On Monday of next week we will have the Department of Agriculture appropriation bill. Then after that we will have the War Department civil-functions appropriation bill; and after that the legislative appropriation bill. After those are disposed of, then the war-risk property-insurance bill and the Rogers bills will come up. I will adhere to my promise.

Mrs. ROGERS of Massachusetts. The Army is so anxious to have the bill, particularly so far as air-warning and filter-station operators are concerned, and with the recent alert in Washington and the alert on the west coast, it seems to me it is one of the most vital war measures today, much more vital than agriculture.

Mr. McCORMACK. Of course, the appropriation bills have the right-of-way, and that will come up on Monday. The gentleman from Massachusetts has been here a few years longer than I have and she is aware of the fact that appropriation bills take precedence.

Mrs. ROGERS of Massachusetts. I know the gentleman will do everything in his power to bring it up, because he realizes the extreme need.

Mr. McCORMACK. I assure the gentleman that I hope it will be brought up as quickly as possible.

#### LEAVE OF ABSENCE

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to absent myself for the balance of the week on account of illness in my family.

The SPEAKER. Without objection it is so ordered.

There was no objection.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2255. An act to establish a policy with respect to the disposition of agricultural commodities acquired by the Commodity Credit Corporation; to the Committee on Agriculture.

#### ENROLLED BILL SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 5880. An act to abolish certain fees charged by clerks of the district courts; and to exempt defendants in condemnation proceedings from the payment of filing fees in certain instances.

#### BILL PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 5880. An act to abolish certain fees charged by clerks of the district courts; and to exempt defendants in condemnation proceedings from the payment of filing fees in certain instances.

#### ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until tomorrow, Friday, February 27, 1942, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

##### POSTPONEMENT OF HEARING ON H. R. 6503

This will advise you that the hearings previously scheduled for Tuesday, February 17, 1942, at 10 a. m., have been postponed until Thursday, March 5, 1942, at 10 a. m., on the following bill, H. R. 6503, to extend and amend certain emergency laws relating to the merchant marine, and for other purposes.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1441. A letter from the Secretary of War, transmitting an itemized report of the proceedings of the American National Red Cross for the fiscal year ended June 30, 1941; to the Committee on Military Affairs.

1442. A letter from the Administrator, Federal Works Agency, transmitting the Second Annual Report of the Federal Works Agency and its constituent administrations and authority for the fiscal year June 30, 1941; to the Committee on Expenditures in the Executive Departments.

1443. A communication from the President of the United States, transmitting in the form of amendments to the Budget for the fiscal year ending June 30, 1943, two supplemental estimates of appropriations for the Panama Canal, to remain available until expended, totaling \$29,223,200, of which \$7,493,200 is to be made available (H. Doc. No. 640); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NICHOLS: Select Committee to Investigate Air Accidents. House Resolution 125, Seventy-seventh Congress, first session. Resolution creating a Select Committee to Investigate Air Accidents; without amendment (Rept. No. 1827). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 449. Resolution to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes; without amendment (Rept. No. 1828). Referred to the House Calendar.

Mr. FULMER: Committee on Agriculture. H. R. 5636. A bill to expedite the settlement of claims and accounts incident to certain agriculture adjustment programs, and for other purposes; with amendment (Rept. No. 1831). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee of conference on the disagreeing votes of the two Houses. H. R. 6446. A bill to provide for continuing of payment and allowances of personnel of the Army, Navy, Marine Corps, and Coast Guard, and for other purposes; without amendment (Rept. No. 1832). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 5762. A bill granting an increase of pension to Mollie Alexander; with amendment (Rept. No. 1829). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 5918. A bill granting an increase of pension to Ethel H. Chaffee; without amendment (Rept. No. 1830). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIS:

H. R. 6679. A bill to change the name of the Norfolk Dam to Douglas MacArthur Dam; to the Committee on Flood Control.

By Mr. JONES:

H. R. 6680. A bill to provide for an immediate report to Congress by the Federal Bureau of Investigation with respect to investigations heretofore made by it of certain employees of the Federal Government; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H. R. 6681. A bill to subject Indians of the State of California to the laws of that State; to the Committee on Indian Affairs.

By Mr. DOUGHTON:

H. R. 6682. A bill to suspend in part the processing tax on coconut oil; to the Committee on Ways and Means.

By Mr. SWEENEY:

H. R. 6683. A bill to provide a judicial method of trying charges against postal employees; to the Committee on the Post Office and Post Roads.

By Mr. BATES of Kentucky:

H. R. 6686. A bill to furnish each person in the armed forces of the United States on active duty with one package of cigarettes per week; to the Committee on Military Affairs.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the Territory of San Juan, P. R., memorializing the President and the Congress of the United States to consider their Senate resolution dated February 9, 1942, relative to the brutal and treacherous attacks on Pearl Harbor and the Philippine Islands; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. O'TOOLE:

H. R. 6684 (by request). A bill for the relief of August Michela, infant; to the Committee on Claims.

By Mr. VAN ZANDT:

H. R. 6685. A bill authorizing the President to present a Congressional Medal of Honor to Gen. Douglas MacArthur; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2492. By Mr. MERRITT: Resolution of the Carbloc Paving Corporation of Brooklyn, N. Y., requesting that in the future all asphalt pavements the War Department may lay for roads in Army bases, runways on airports, supply roads, or whatever may be necessary in the line of highway building, be built by contractors' forces and not by Government forces; to the Committee on Military Affairs.

2493. By Mr. ROLPH: Resolution of the Allied Automotive Industries of California, Ltd., at San Francisco, relative to federalization of unemployment insurance program; to the Committee on Ways and Means.

2494. By Mr. WOLCOTT: Petitions and resolution adopted by the Common Council of Marine City, Mich., to amend section 451 of the Tariff Act of 1930, as set out in House bill 4768; to the Committee on Ways and Means.

2495. By the SPEAKER: Petition of the Congress of Industrial Organizations, Washington, D. C., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

## HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 27, 1942

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, our heavenly Father, we pray Thee to enter into the holy land of our souls and allow nothing to tarnish them that we may love Thee and hate only evil. Cleanse us from all unrighteousness and renew a right spirit within us that we may be deeply conscious of the eternal truth that whatsoever a man soweth that shall he also reap. He who sows hate, resentment, or anger shall have forgiveness and love thrust out of his life. Many a green and fruitful isle shall blossom in our sea of sorrow when watered by the "well of life," springing out of the surge which beats against the soul.

We praise Thee, Almighty God, that somewhere in the pilgrimage of life there is a merciful fountain for smoothing the pathway and cleansing the dust from the wings of the soul. O do Thou continue to abide with us, ever affirming that Thou art with us and will hold human nature to its native simplicity and dignity. Oh, help us to catch the vision of transfigured sorrow and sanctified suffering, of conquered fears and immortal hopes; and Thine shall be the glory and praise forever. Through Christ, our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 691. An act for the relief of Richard Bove;

H. R. 794. An act for the relief of Catherine Ward;

H. R. 962. An act for the relief of Multnomah County, Oreg.;

H. R. 1060. An act to vest absolute in the city of Dearborn the title to lot 19 of the Detroit Arsenal grounds subdivision, Wayne County, Mich.;

H. R. 1647. An act for the relief of William H. Dugdale and wife;

H. R. 1755. An act for the relief of C. M. Sherrod and Daisy Mimms, administratrix of the estate of Arthur Mimms;

H. R. 1793. An act to authorize mailing of small firearms to officers and employees of enforcement agencies of the United States;

H. R. 2300. An act to correct the description of land added to the Bryce Canyon National Park pursuant to the act of February 17, 1931;

H. R. 2302. An act to adjust the boundaries of the Cedar Breaks National Monument and the Dixie National Forest, in the State of Utah, and for other purposes;

H. R. 2428. An act for the relief of G. F. Brown;

H. R. 2460. An act for the relief of Ruth Steward, administratrix of the estate of Luther F. Steward;

H. R. 2718. An act for the relief of Jean N. Burton and Laura Jones;

H. R. 2908. An act for the relief of William H. Evans;

H. R. 2980. An act for the relief of National Heating Co., Washington, D. C.;

H. R. 3014. An act to accept the cession by the State of Michigan of exclusive jurisdiction over the lands embraced within the Isle Royale National Park, and for other purposes;

H. R. 3032. An act for the relief of J. G. Fox;

H. R. 3200. An act conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claims of W. M. Hurley and Joe Whitson;

H. R. 3433. An act for the relief of Bessie Pearlman and George Roth;

H. R. 3610. An act for the relief of Minnie C. Sanders;

H. R. 3697. An act for the relief of John E. Newman;

H. R. 3829. An act for the relief of Lonnie Bales;

H. R. 4010. An act for the relief of Thelma Carringer and others;

H. R. 4019. An act for the relief of John J. Jenkins;

H. R. 4336. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes;

H. R. 4386. An act to provide for the addition of certain lands to the Isle Royale National Park, in the State of Michigan, and for other purposes;

H. R. 4414. An act for the relief of Andrew Wichmann;

H. R. 4626. An act for the relief of the legal guardian of Jane Hawk, a minor, and J. L. Hawk;

H. R. 4648. An act to amend the act of August 11, 1939 (53 Stat. 1418), entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the

United States," as amended by the act of October 14, 1940 (54 Stat. 1119);

H. R. 5026. An act for the relief of the Louis Puccinelli Bail Bond Co.;

H. R. 5413. An act to validate settlement claims established on sections 16 and 36 within the area withdrawn for the Matanuska settlement project in Alaska, and for other purposes;

H. R. 5481. An act to transfer Blair County, Pa., from the western judicial district of Pennsylvania to the middle judicial district of Pennsylvania;

H. R. 5545. An act for the relief of H. Earle Russell;

H. R. 5573. An act for the relief of Mrs. Noel Wright and Bunny Wright;

H. R. 5605. An act for the relief of Lt. Col. J. B. Conmy;

H. R. 5646. An act for the relief of Joseph Simon, lieutenant commander (SC), United States Navy, and R. D. Lewis;

H. R. 5865. An act for the relief of Builders Specialists Co.;

H. R. 6003. An act to amend an act entitled "An act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes," approved June 20, 1938;

H. R. 6072. An act authorizing the States of Arizona and California, jointly or separately, to construct, maintain, and operate a free highway bridge across the Colorado River at or near Needles, Calif.;

H. R. 6107. An act to authorize the Commissioners of the District of Columbia to permit the vestry of Rock Creek Parish to utilize for burial sites certain land within its present holdings in Rock Creek Cemetery;

H. R. 6270. An act to amend subsections (b), (d), and (e) of section 77 of the Judicial Code so as to transfer the county of Meriwether from the Columbus division of the middle district of Georgia to the Newnan division of the northern district of Georgia, and to change the terms of the district court for the Macon and Americus divisions in the middle district of Georgia;

H. R. 6332. An act to revise the boundaries of the Chickamauga-Chattanooga National Military Park in the States of Georgia and Tennessee;

H. R. 6536. An act to change the name of Conduit Road in the District of Columbia;

H. J. Res. 231. Joint resolution to approve and authorize the continuance of certain payments for the hospitalization and care of Leo Mulvey, and for other purposes; and

H. J. Res. 260. Joint resolution to authorize the United States Maritime Commission to acquire certain lands in Nassau County, N. Y.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 3761. An act for the relief of Mrs. Willie M. Maye;

H. R. 3966. An act for the relief of Estella King;

H. R. 4355. An act for the relief of Bella Cosgrove;

H. R. 4401. An act to provide for the establishment of a commissary or canteen at Glenn Dale Sanatorium, Glenn Dale, Md.;

H. R. 4557. An act for the relief of the estate of Mrs. Edna B. Crook;

H. R. 4665. An act for the relief of Harry Kahn;

H. R. 5290. An act for the relief of Mrs. Eddie A. Schneider;

H. R. 5458. An act to amend the Organic Act of Alaska;